

House Amendment to
Senate File 533

S-3372

1 Amend Senate File 533, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. By striking everything after the enacting clause
4 and inserting:

5 <DIVISION I

6 STANDING APPROPRIATIONS AND RELATED MATTERS — FY
7 2011-2012

8 Section 1. BUDGET PROCESS FOR FISCAL YEAR
9 2012-2013.

10 1. For the budget process applicable to the fiscal
11 year beginning July 1, 2012, on or before October 1,
12 2011, in lieu of the information specified in section
13 8.23, subsection 1, unnumbered paragraph 1, and
14 paragraph "a", all departments and establishments of
15 the government shall transmit to the director of the
16 department of management, on blanks to be furnished
17 by the director, estimates of their expenditure
18 requirements, including every proposed expenditure, for
19 the ensuing fiscal year, together with supporting data
20 and explanations as called for by the director of the
21 department of management after consultation with the
22 legislative services agency.

23 2. The estimates of expenditure requirements
24 shall be in a form specified by the director of
25 the department of management, and the expenditure
26 requirements shall include all proposed expenditures
27 and shall be prioritized by program or the results to
28 be achieved. The estimates shall be accompanied by
29 performance measures for evaluating the effectiveness
30 of the programs or results.

31 Sec. 2. LIMITATION OF STANDING APPROPRIATIONS.
32 Notwithstanding the standing appropriations in the
33 following designated sections for the fiscal year
34 beginning July 1, 2011, and ending June 30, 2012, the
35 amounts appropriated from the general fund of the state
36 pursuant to these sections for the following designated
37 purposes shall not exceed the following amounts:

38 1. For operational support grants and community
39 cultural grants under section 99F.11, subsection 3,
40 paragraph "d", subparagraph (1):

41 \$ 416,702

42 2. For regional tourism marketing under section
43 99F.11, subsection 3, paragraph "d", subparagraph (2):

44 \$ 810,306

45 3. For the center for congenital and inherited
46 disorders central registry under section 144.13A,
47 subsection 4, paragraph "a":

48 \$ 171,121

49 4. For primary and secondary child abuse prevention
50 programs under section 144.13A, subsection 4, paragraph

1 "a":
2 \$ 217,772

3 5. For programs for at-risk children under section
4 279.51:
5 \$ 8,504,258

6 The amount of any reduction in this subsection shall
7 be prorated among the programs specified in section
8 279.51, subsection 1, paragraphs "a", "b", and "c".

9 6. For payment for nonpublic school transportation
10 under section 285.2:
11 \$ 7,060,931

12 If total approved claims for reimbursement for
13 nonpublic school pupil transportation exceed the amount
14 appropriated in accordance with this subsection, the
15 department of education shall prorate the amount of
16 each approved claim.

17 7. For reimbursement for the homestead property tax
18 credit under section 425.1:
19 \$ 86,188,387

20 8. For reimbursement for the family farm and
21 agricultural land tax credits under sections 425A.1 and
22 426.1:
23 \$ 32,395,131

24 9. For the enforcement of chapter 453D relating to
25 tobacco product manufacturers under section 453D.8:
26 \$ 18,416

27 Sec. 3. INSTRUCTIONAL SUPPORT STATE AID — FY
28 2011-2012. In lieu of the appropriation provided in
29 section 257.20, subsection 2, the appropriation for the
30 fiscal year beginning July 1, 2011, and ending June 30,
31 2012, for paying instructional support state aid under
32 section 257.20 for fiscal year 2011-2012 is zero.

33 Sec. 4. APPROPRIATION — FARMERS WITH
34 DISABILITIES. There is appropriated from the general
35 fund of the state to the department of agriculture and
36 land stewardship for the fiscal year beginning July 1,
37 2011, and ending June 30, 2012, the following amount,
38 or so much thereof as is necessary, for a program for
39 farmers with disabilities:
40 \$ 97,000

41 The moneys appropriated in this section shall be
42 used for the public purpose of providing a grant to
43 a national nonprofit organization with over 80 years
44 of experience in assisting children and adults with
45 disabilities and special needs. The moneys shall
46 be used to support a nationally recognized program
47 that began in 1986 and has been replicated in at
48 least 30 other states, but which is not available
49 through any other entity in this state, and that
50 provides assistance to farmers with disabilities in

1 all 99 counties to allow the farmers to remain in
2 their own homes and be gainfully engaged in farming
3 through provision of agricultural worksite and home
4 modification consultations, peer support services,
5 services to families, information and referral, and
6 equipment loan services. Notwithstanding section
7 8.33, moneys appropriated in this section that remain
8 unencumbered or unobligated at the close of the fiscal
9 year shall not revert but shall remain available for
10 expenditure for the purposes designated until the close
11 of the succeeding fiscal year.

12 Sec. 5. Section 256.30, unnumbered paragraph
13 1, Code 2011, is amended by striking the unnumbered
14 paragraph and inserting in lieu thereof the following:

15 For the fiscal year beginning July 1, 2011, and
16 ending June 30, 2012, there is appropriated from the
17 general fund of the state to the department the sum
18 of one hundred thousand dollars. For the fiscal year
19 beginning July 1, 2012, and ending June 30, 2013, and
20 for each succeeding fiscal year, there is appropriated
21 from the general fund of the state to the department
22 the sum of fifty thousand dollars. The department
23 shall distribute the appropriation to the tribal
24 council of the Sac and Fox Indian settlement for
25 expenses of educating American Indian children residing
26 in the Sac and Fox Indian settlement on land held in
27 trust by the secretary of the interior of the United
28 States in excess of federal moneys paid to the tribal
29 council for educating the American Indian children
30 when moneys are appropriated for that purpose. The
31 tribal council shall administer the moneys distributed
32 pursuant to this section and shall submit an annual
33 report and other reports as required by the department
34 to the department on the expenditure of the moneys.

35 Sec. 6. Section 257.35, Code 2011, is amended by
36 adding the following new subsection:

37 NEW SUBSECTION. 5A. Notwithstanding subsection 1,
38 and in addition to the reduction applicable pursuant
39 to subsection 2, the state aid for area education
40 agencies and the portion of the combined district cost
41 calculated for these agencies for the fiscal year
42 beginning July 1, 2011, and ending June 30, 2012, shall
43 be reduced by the department of management by twenty
44 million dollars. The reduction for each area education
45 agency shall be prorated based on the reduction that
46 the agency received in the fiscal year beginning July
47 1, 2003.

48 Sec. 7. Section 453A.35, subsection 1, Code 2011,
49 is amended to read as follows:

50 1. a. The With the exception of revenues credited

1 to the health care trust fund pursuant to paragraph
2 ~~"b"~~, the proceeds derived from the sale of stamps and
3 the payment of taxes, fees, and penalties provided for
4 under this chapter, and the permit fees received from
5 all permits issued by the department, shall be credited
6 to the general fund of the state. ~~However, of~~
7 b. Of the revenues generated from the tax on
8 cigarettes pursuant to section 453A.6, subsection
9 1, and from the tax on tobacco products as specified
10 in section 453A.43, subsections 1, 2, 3, and 4, and
11 ~~credited to the general fund of the state under this~~
12 ~~subsection, there is appropriated, annually, to the~~
13 ~~health care trust fund created in section 453A.35A, the~~
14 ~~first one hundred six million sixteen thousand four~~
15 ~~hundred dollars shall be credited to the health care~~
16 ~~trust fund created in section 453A.35A.~~

17 Sec. 8. Section 453A.35A, subsection 1, Code 2011,
18 is amended to read as follows:

19 1. A health care trust fund is created in the
20 office of the treasurer of state. The fund consists
21 of the revenues generated from the tax on cigarettes
22 pursuant to section 453A.6, subsection 1, and from
23 the tax on tobacco products as specified in section
24 453A.43, subsections 1, 2, 3, and 4, that are credited
25 to the ~~general fund of the state and appropriated to~~
26 ~~the health care trust fund, annually, pursuant to~~
27 section 453A.35. Moneys in the fund shall be separate
28 from the general fund of the state and shall not be
29 considered part of the general fund of the state.
30 However, the fund shall be considered a special account
31 for the purposes of section 8.53 relating to generally
32 accepted accounting principles. Moneys in the fund
33 shall be used only as specified in this section and
34 shall be appropriated only for the uses specified.
35 Moneys in the fund are not subject to section 8.33
36 and shall not be transferred, used, obligated,
37 appropriated, or otherwise encumbered, except as
38 provided in this section. Notwithstanding section
39 12C.7, subsection 2, interest or earnings on moneys
40 deposited in the fund shall be credited to the fund.

41 DIVISION II

42 SALARIES, COMPENSATION, AND RELATED MATTERS — FY
43 2011-2012

44 Sec. 9. BONUS PAY. For the fiscal year beginning
45 July 1, 2011, employees of the executive branch,
46 judicial branch, and legislative branch shall not
47 receive bonus pay unless otherwise authorized by law,
48 required pursuant to a contract of employment entered
49 into before July 1, 2011, or required pursuant to a
50 collective bargaining agreement. This section does

1 not apply to employees of the state board of regents
2 who receive bonuses funded by nonpublic moneys. For
3 purposes of this section, "bonus pay" means any
4 additional remuneration provided an employee in
5 the form of a bonus, including but not limited to a
6 retention bonus, recruitment bonus, exceptional job
7 performance pay, extraordinary job performance pay,
8 exceptional performance pay, extraordinary duty pay,
9 or extraordinary or special duty pay, and any extra
10 benefit not otherwise provided to other similarly
11 situated employees.

12 Sec. 10. SALARY INCREASES — CERTAIN REVOLVING
13 FUNDS.

14 1. For the fiscal years beginning July 1, 2011, and
15 July 1, 2012, there is appropriated from the gaming
16 enforcement revolving fund an amount necessary for
17 funding annual pay adjustments and related benefits
18 for agents and officers of the division of criminal
19 investigation's racetrack, excursion boat, or gambling
20 structure enforcement activities. Moneys appropriated
21 pursuant to this subsection shall be in addition to and
22 supplement other appropriations from the fund.

23 2. For the fiscal years beginning July 1, 2011,
24 and July 1, 2012, there is appropriated from the
25 gaming regulatory revolving fund, if enacted by the
26 Eighty-fourth General Assembly, 2011 session, an
27 amount necessary for funding annual pay adjustments and
28 related benefits for positions in the racing and gaming
29 commission of the department of inspections and appeals
30 who are assigned to administration and enforcement of
31 the excursion boat and gambling structure laws. Moneys
32 appropriated pursuant to this subsection shall be in
33 addition to and supplement other appropriations from
34 the fund.

35 Sec. 11. STATE TROOPER MEAL ALLOWANCE. For the
36 fiscal years beginning July 1, 2011, and July 1, 2012,
37 the sworn peace officers in the department of public
38 safety who are not covered by a collective bargaining
39 agreement negotiated pursuant to chapter 20 shall
40 receive the same per diem meal allowance as the sworn
41 peace officers in the department of public safety
42 who are covered by a collective bargaining agreement
43 negotiated pursuant to chapter 20.

44 Sec. 12. SALARY MODEL ADMINISTRATOR. The salary
45 model administrator shall work in conjunction with
46 the legislative services agency to maintain the
47 state's salary model used for analyzing, comparing,
48 and projecting state employee salary and benefit
49 information, including information relating to
50 employees of the state board of regents. The

1 department of revenue, the department of administrative
2 services, the five institutions under the jurisdiction
3 of the state board of regents, the judicial district
4 departments of correctional services, and the state
5 department of transportation shall provide salary data
6 to the department of management and the legislative
7 services agency to operate the state's salary
8 model. The format and frequency of provision of the
9 salary data shall be determined by the department of
10 management and the legislative services agency. The
11 information shall be used in collective bargaining
12 processes under chapter 20 and in calculating the
13 funding needs contained within the annual salary
14 adjustment legislation. A state employee organization
15 as defined in section 20.3, subsection 4, may request
16 information produced by the model, but the information
17 provided shall not contain information attributable to
18 individual employees.

19 Sec. 13. GROUP HEALTH INSURANCE PREMIUM COSTS FOR
20 STATE EMPLOYEES.

21 1. The state's executive and judicial branch
22 authorities responsible for negotiating the collective
23 bargaining agreements entered into under chapter 20
24 shall engage in discussions with the applicable state
25 employee organizations to renegotiate provisions
26 involving health insurance coverage of state employees
27 and their families in order to achieve cost savings
28 for the state. The discussions shall include but are
29 not limited to a requirement for a state employee who
30 is covered by a collective bargaining agreement and
31 is a member of state group health insurance plan for
32 employees of the state established under chapter 509A
33 to pay at least one hundred dollars per month of the
34 total premium for such health plan coverage for single
35 persons or increase the amount paid per month for
36 family coverage by the same amount that would be paid
37 for the single person's coverage.

38 2. If collective bargaining agreements are
39 renegotiated to achieve cost savings pursuant to
40 subsection 1, the cost savings provisions shall
41 also apply to state employees who are not covered by
42 collective bargaining as provided in chapter 20 and
43 are members of a state group health insurance plan for
44 employees of the state established under chapter 509A.

45 3. Beginning on the effective date of this section,
46 a state legislator or legislative staff member who is
47 a member of a state group health insurance plan for
48 employees of the state established under chapter 509A
49 shall pay at least one hundred dollars per month of the
50 total premium for such health care coverage for single

1 persons or increase the amount paid per month for
2 family coverage by the same amount that would be paid
3 for the single persons coverage. The payment amount
4 shall be determined by the legislative council, subject
5 to the minimum amount specified in this subsection.

6 **Sec. 14. NEW SECTION. 8A.440 Group health**
7 **insurance premium costs.**

8 1. Collective bargaining agreements entered into
9 pursuant to chapter 20 for state employees shall
10 provide that a state employee covered by that agreement
11 who is a member of a state group health insurance plan
12 for employees of the state established under chapter
13 509A shall pay at least one hundred dollars per month
14 of the total premium for such insurance for single
15 persons or increase the amount paid per month for
16 family coverage by the same amount that would be paid
17 for the single person's coverage.

18 2. A state employee not covered by a collective
19 bargaining agreement as provided in chapter 20 who
20 is a member of a state group health insurance plan
21 for employees of the state established under chapter
22 509A shall pay the same amount per month of the
23 total premium for such insurance as is paid under
24 the collective bargaining agreement that covers
25 the greatest number of state employees in the state
26 government entity employing the state employee.

27 **Sec. 15. APPLICABILITY.** The section of this
28 division of this Act enacting section 8A.440, applies
29 to collective bargaining agreements entered into on
30 or after the effective date of that section of this
31 division of this Act.

32 **Sec. 16. EFFECTIVE UPON ENACTMENT AND RETROACTIVE**
33 **APPLICABILITY.** The following sections of this division
34 of this Act, being deemed of immediate importance, take
35 effect upon enactment and, if approved by the governor
36 on or after July 1, 2011, apply retroactively to June
37 30, 2011:

38 1. The section of this division relating to group
39 health insurance premium costs for state employees.

40 2. The section of this division enacting section
41 8A.440.

42 3. The section of this division relating to
43 applicability.

44 **DIVISION III**

45 **CORRECTIVE PROVISIONS**

46 **Sec. 17.** Section 8.6, subsection 9A, as enacted by
47 2011 Iowa Acts, House File 45, section 39, is amended
48 to read as follows:

49 9A. *Budget and tax rate databases.* To develop
50 and make available to the public a searchable budget

1 database and internet site as required under chapter
2 8G, ~~division subchapter~~ I, and to develop and make
3 available to the public a searchable tax rate database
4 and internet site as required under chapter 8G,
5 ~~division subchapter~~ II.

6 Sec. 18. Section 8.57E, subsection 3, paragraph a,
7 as enacted by 2011 Iowa Acts, Senate File 209, section
8 30, is amended to read as follows:

9 a. Moneys in the ~~taxpayer's~~ taxpayers trust fund
10 may be used for cash flow purposes during a fiscal year
11 provided that any moneys so allocated are returned to
12 the fund by the end of that fiscal year.

13 Sec. 19. Section 8G.13, as enacted by 2011 Iowa
14 Acts, House File 45, section 50, is amended to read as
15 follows:

16 **8G.13 Updating database.**

17 To facilitate the department of management's efforts
18 in creating and maintaining a searchable database of
19 the taxes identified in section 8G.12, subsection 3 1,
20 for all taxing jurisdictions in the state, each taxing
21 jurisdiction may annually be required to report its tax
22 rates to the department of management or the department
23 of revenue and shall report any changes to its tax
24 rates within thirty days of the change.

25 Sec. 20. Section 16.193, subsection 3, paragraph a,
26 Code 2011, as amended by 2011 Iowa Acts, Senate File
27 475, section 11, is amended to read as follows:

28 a. During the term of the Iowa jobs program and
29 Iowa jobs II program, the Iowa finance authority shall
30 collect data on all of the projects approved for the
31 ~~program~~ programs. The department of management and
32 the state agencies associated with the projects shall
33 assist the authority with the data collection and in
34 developing the report required by this subsection. The
35 authority shall report quarterly to the governor and
36 the general assembly concerning the data.

37 Sec. 21. Section 68A.401, subsection 4, Code 2011,
38 as amended by 2011 Iowa Acts, Senate File 475, section
39 17, is amended to read as follows:

40 4. Political committees expressly advocating the
41 nomination, election, or defeat of candidates for
42 both federal office and any elected office created
43 by law or the Constitution of the State of Iowa
44 shall file statements and reports with the board in
45 addition to any federal reports required to be filed
46 with the board. However, a political committee that
47 is registered and filing full disclosure reports of
48 all financial activities with the federal election
49 commission may file verified statements as provided in
50 section ~~68B.201A~~ 68A.201A.

1 Sec. 22. Section 139A.19, subsection 3, as enacted
2 by 2011 Iowa Acts, House File 467, section 20, is
3 amended to read as follows:

4 3. This section does not preclude a hospital,
5 clinic, other health facility, or a health care
6 provider from providing notification to a care
7 provider under circumstances in which the hospital's,
8 clinic's, other health facility's, or health care
9 provider's policy provides for notification of the
10 hospital's, ~~clinics~~ clinic's, other health facility's,
11 or health care provider's own employees of exposure
12 to a contagious or infectious disease that is not
13 life-threatening if the notice does not reveal a
14 patient's name, unless the patient consents.

15 Sec. 23. Section 175.3, subsection 1, paragraph a,
16 Code 2011, as amended by 2011 Iowa Acts, Senate File
17 429, section 1, is amended to read as follows:

18 a. The agricultural development authority is
19 established within the department of agriculture and
20 land stewardship. The agency authority is constituted
21 as a public instrumentality and agency of the state
22 exercising public and essential governmental functions.

23 Sec. 24. Section 207.22, subsection 3, paragraph b,
24 Code 2011, as amended by 2011 Iowa Acts, Senate File
25 475, section 47, is amended to read as follows:

26 b. Acquisition of coal refuse disposal sites and
27 all coal refuse thereon will serve the purposes of
28 ~~Tit. IV of~~ Pub. L. No. 95-87, Tit. IV, codified at 30
29 U.S.C. ch. 25, subch. IV, or that public ownership
30 is desirable to meet emergency situations and prevent
31 recurrences of the adverse effect of past coal mining
32 practices.

33 Sec. 25. Section 232.71D, subsection 3, paragraph
34 a, unnumbered paragraph 1, as enacted by 2011 Iowa
35 Acts, House File 562, section 3, is amended to read as
36 follows:

37 Unless any of the circumstances listed in paragraph
38 "b" are applicable, cases to which any of the following
39 circumstances apply shall not be placed ~~on~~ in the
40 central registry:

41 Sec. 26. Section 256.7, subsection 26, paragraph a,
42 subparagraph (1), as enacted by 2011 Iowa Acts, Senate
43 File 453, section 1, is amended to read as follows:

44 (1) The rules establishing high school graduation
45 requirements shall authorize a school district
46 or accredited nonpublic school to consider that
47 any student who satisfactorily completes a high
48 school-level unit of English or language arts,
49 mathematics, science, or social studies has
50 satisfactorily completed a unit of the high school

1 graduation requirements for that area as specified in
2 this lettered paragraph, and ~~to~~ shall authorize the
3 school district or accredited nonpublic school to issue
4 high school credit for the unit to the student.

5 Sec. 27. Section 321.34, subsection 20C, paragraph
6 a, if enacted by 2011 Iowa Acts, House File 651,
7 section 2, is amended to read as follows:

8 a. The department, in consultation with the
9 adjutant general, shall design combat infantryman
10 badge, combat action badge, combat action ribbon, air
11 force combat action medal, and combat medical badge
12 distinguishing processed emblems. Upon receipt of two
13 hundred fifty orders for ~~special~~ combat infantryman
14 badge, combat action badge, combat action ribbon, air
15 force combat action medal, or combat medical badge
16 special registration plates, accompanied by a start-up
17 fee of twenty dollars per order, the department
18 shall begin issuing special registration plates with
19 the applicable distinguishing processed emblem as
20 provided in paragraphs "b" and "c". The minimum
21 order requirement shall apply separately to each of
22 the special registration plates created under this
23 subsection.

24 Sec. 28. Section 321.34, subsection 25, paragraph
25 a, if enacted by 2011 Iowa Acts, House File 651,
26 section 2, is amended to read as follows:

27 a. The department, in consultation with
28 the adjutant general, shall design a civil war
29 sesquicentennial distinguishing processed emblem. Upon
30 receipt of two hundred fifty orders for ~~special~~ civil
31 war sesquicentennial special registration plates,
32 accompanied by a start-up fee of twenty dollars per
33 order, the department shall begin issuing special
34 registration plates with a civil war sesquicentennial
35 processed emblem as provided in paragraph "b".

36 Sec. 29. Section 327B.5, Code 2011, is amended to
37 read as follows:

38 **327B.5 Penalty.**

39 Any person violating the provisions of this chapter
40 shall, upon conviction, be subject to a scheduled
41 fine as provided in section 805.8A, subsection 13,
42 ~~paragraphs~~ paragraph "f" and "g".

43 Sec. 30. Section 422.110, subsection 5, paragraph
44 a, subparagraph (2), if enacted by 2011 Iowa Acts,
45 Senate File 531, section 17, is amended to read as
46 follows:

47 (2) The E-15 plus gasoline promotion tax credit
48 pursuant to section 422.11Y.

49 Sec. 31. Section 422.11Y, subsection 1, paragraph
50 d, if enacted by 2011 Iowa Acts, Senate File 531,

1 section 35, is amended to read as follows:

2 *d.* "Tax credit" means the E-15 plus gasoline
3 promotion tax credit as provided in this section.

4 Sec. 32. Section 422.11Y, subsection 3, unnumbered
5 paragraph 1, if enacted by 2011 Iowa Acts, Senate File
6 531, section 35, is amended to read as follows:

7 The taxes imposed under this division, less the
8 credits allowed under section 422.12, shall be reduced
9 by the amount of the E-15 plus gasoline promotion tax
10 credit for each tax year that the taxpayer is eligible
11 to claim a tax credit under this subsection.

12 Sec. 33. Section 422.11Y, subsection 6, paragraph
13 b, subparagraph (2), if enacted by 2011 Iowa Acts,
14 Senate File 531, section 35, is amended to read as
15 follows:

16 (2) The retail dealer may claim the ethanol
17 promotion tax credit as provided in paragraph "a" for
18 the same ethanol gallonage used to calculate and claim
19 the E-15 plus gasoline promotion tax credit.

20 Sec. 34. Section 423.4, subsection 9, unnumbered
21 paragraph 1, if enacted by 2011 Iowa Acts, Senate File
22 531, section 59, is amended to read as follows:

23 A person who qualifies as a biodiesel producer as
24 provided in this subsection may apply to the director
25 for a refund of the amount of the sales or use tax
26 imposed and paid upon purchases made by the person.

27 Sec. 35. Section 483A.24A, Code 2011, as amended by
28 2011 Iowa Acts, Senate File 194, section 10, is amended
29 to read as follows:

30 **483A.24A License refunds — military service.**

31 Notwithstanding any provision of this chapter to
32 the contrary, a service member deployed for military
33 service, ~~both~~ as defined in section 29A.1, subsection
34 3, shall receive a refund of that portion of any
35 license fee paid by the service member representing the
36 service member's period of military service.

37 Sec. 36. Section 501.101, subsection 01, as enacted
38 by 2011 Iowa Acts, House File 348, section 7, is
39 amended to read as follows:

40 01. "Alternative voting method" means a method of
41 voting other than a written ballot, including voting
42 by electronic, telephonic, internet, or other means
43 that reasonably ~~allow~~ allows members the opportunity
44 to vote.

45 Sec. 37. Section 501A.703, subsection 5, paragraph
46 d, Code 2011, as amended by 2011 Iowa Acts, House File
47 348, section 19, is amended to read as follows:

48 *d.* If the ballot of the member is received by
49 the cooperative on or before the date of the regular
50 members' meeting or as otherwise prescribed for an

1 alternative, voting method, the ballot or alternative
2 voting method shall be accepted and counted as the vote
3 of the absent member.

4 Sec. 38. Section 511.8, subsection 22, paragraph i,
5 unnumbered paragraph 1, as enacted by 2011 Iowa Acts,
6 Senate File 406, section 25, is amended to read as
7 follows:

8 Securities held in the legal reserve of a life
9 insurance company or association pledged as collateral
10 for financial instruments used in highly effective
11 hedging transactions as defined in the national
12 association of insurance commissioners' ~~Statement~~
13 ~~statement of Statutory Accounting Principles No.~~
14 statutory accounting principles no. 86 shall continue
15 to be eligible for inclusion ~~on~~ in the legal reserve of
16 the life insurance company or association subject to
17 all of the following:

18 Sec. 39. Section 514J.109, subsection 3, paragraph
19 f, if enacted by 2011 Iowa Acts, House File 597,
20 section 9, is amended to read as follows:

21 f. The covered person or the covered person's
22 authorized representative has provided all the
23 information and forms required by the commissioner that
24 are necessary to process an external review request
25 pursuant to this section.

26 Sec. 40. Section 521F.4, subsection 1, paragraph b,
27 as enacted by 2011 Iowa Acts, Senate File 406, section
28 44, is amended to read as follows:

29 b. The filing of a risk-based capital report by
30 a health organization which indicates that the health
31 organization has total adjusted capital which is
32 greater than or equal to its company-action-level
33 risk-based capital but less than the product of its
34 authorized-control-level risk-based capital and three
35 and triggers the trend test determined in accordance
36 with the trend test ~~calculations~~ calculation included
37 in the health risk-based capital instructions.

38 Sec. 41. Section 524.310, subsection 5, paragraph
39 b, Code 2011, as amended by 2011 Iowa Acts, Senate File
40 475, section 120, is amended to read as follows:

41 b. A corporate or company name reserved,
42 registered, or protected as provided in section
43 489.109, 490.402, 490.403, 490A.402, 504.402, or 504.403.

44 Sec. 42. Section 717.3, subsection 5, paragraph b,
45 Code 2011, as enacted by 2011 Iowa Acts, Senate File
46 478, section 6, is amended to read as follows:

47 b. That the department shall assume supervision of
48 and provide for the sustenance of the livestock ~~and~~ as
49 provided in section 717.4.

50 Sec. 43. Section 717.4, subsection 2, as enacted by

1 2011 Iowa Acts, Senate File 478, section 7, is amended
2 to read as follows:

3 2. The court ordered lien shall be for the benefit
4 of the department. The amount of the lien shall not
5 be ~~not~~ more than for expenses incurred in providing
6 sustenance to the livestock pursuant to section 717.3
7 and providing for the disposition of the livestock
8 pursuant to section 717.5.

9 Sec. 44. Section 717.4A, as enacted by 2011 Iowa
10 Acts, Senate File 478, section 8, is amended to read
11 as follows:

12 **717.4A Livestock in immediate need of sustenance —**
13 **livestock remediation fund.**

14 The department may utilize the moneys deposited
15 into the livestock remediation fund pursuant to
16 section 459.501 to pay for any expenses associated
17 with providing sustenance to or the disposition of the
18 livestock pursuant to a court order entered pursuant to
19 section 717.3 or 717.5. The department shall utilize
20 moneys from the fund only to the extent that the
21 department determines that expenses cannot be timely
22 paid by utilizing the available provisions of sections
23 717.4 and 717.5. The department shall deposit any
24 unexpended and unobligated moneys in the fund. The
25 department shall pay to the fund the proceeds from the
26 disposition of the livestock and associated products
27 less expenses incurred by the department in providing
28 for the sustenance and disposition of the livestock, as
29 provided in section 717.5.

30 Sec. 45. Section 903A.5, subsection 1, as enacted
31 by 2011 Iowa Acts, House File 271, section 3, is
32 amended to read as follows:

33 1. An inmate shall not be discharged from the
34 custody of the director of the Iowa department of
35 corrections until the inmate has served the full term
36 for which the inmate was sentenced, less earned time
37 and other credits earned and not forfeited, unless
38 the inmate is pardoned or otherwise legally released.
39 Earned time accrued and not forfeited shall apply
40 to reduce a mandatory minimum sentence being served
41 pursuant to section 124.406, 124.413, 902.7, 902.8,
42 902.8A, or 902.11. An inmate shall be deemed to be
43 serving the sentence from the day on which the inmate
44 is received into the institution. If an inmate was
45 confined to a county jail or other correctional or
46 mental facility at any time prior to sentencing, or
47 after sentencing but prior to the case having been
48 decided on appeal, because of failure to furnish
49 bail or because of being charged with a nonbailable
50 offense, the inmate shall be given credit for the

1 days already served upon the term of the sentence.
2 However, if a person commits any offense while confined
3 in a county jail or other correctional or mental
4 health facility, the person shall not be granted
5 jail credit for that offense. Unless the inmate was
6 confined in a correctional facility, the sheriff of
7 the county in which the inmate was confined shall
8 certify to the clerk of the district court from which
9 the inmate was sentenced and to the department of
10 corrections' records administrator at the Iowa medical
11 and classification center the number of days so served.
12 The department of corrections' records administrator,
13 or the administrator's designee, shall apply jail
14 credit as ordered by the court of proper jurisdiction
15 or as authorized by this section and section 907.3,
16 subsection 3.

17 Sec. 46. EFFECTIVE DATES.

18 1. The section of this division of this Act
19 amending section 422.110, subsection 5, paragraph a,
20 subparagraph (2), if enacted by 2011 Iowa Acts, Senate
21 File 531, section 17, takes effect January 1, 2012.

22 2. Section 423.4, subsection 9, unnumbered
23 paragraph 1, if enacted by 2011 Iowa Acts, Senate File
24 531, section 59, takes effect January 1, 2012.

25 Sec. 47. APPLICABILITY.

26 1. The section of this division of this Act
27 amending section 422.110, subsection 5, paragraph a,
28 subparagraph (2), if enacted by 2011 Iowa Acts, Senate
29 File 531, section 17, applies to tax years beginning on
30 and after January 1, 2012.

31 2. The section of this division of this Act
32 amending section 422.11Y, subsection 1, paragraph d, if
33 enacted by 2011 Iowa Acts, Senate File 531, section 35,
34 applies to tax years beginning on and after January 1,
35 2012, and to that part of a retail dealer's tax year or
36 tax years occurring during that portion of the calendar
37 year beginning on and after July 1, 2011, and ending
38 on December 31, 2011.

39 3. The section of this division of this Act
40 amending section 422.11Y, subsection 3, unnumbered
41 paragraph 1, if enacted by 2011 Iowa Acts, Senate File
42 531, section 35, applies to tax years beginning on and
43 after January 1, 2012, and to that part of a retail
44 dealer's tax year or tax years occurring during that
45 portion of the calendar year beginning on and after
46 July 1, 2011, and ending on December 31, 2011.

47 4. The section of this division of this Act
48 amending section 422.11Y, subsection 6, paragraph b,
49 subparagraph (2), if enacted by 2011 Iowa Acts, Senate
50 File 531, section 35, applies to tax years beginning on

1 and after January 1, 2012, and to that part of a retail
2 dealer's tax year or tax years occurring during that
3 portion of the calendar year beginning on and after
4 July 1, 2011, and ending on December 31, 2011.

5 DIVISION IV

6 MISCELLANEOUS PROVISIONS AND APPROPRIATIONS

7 Sec. 48. APPROPRIATION — BATTLESHIP IOWA, BB-61.

8 1. There is appropriated from the general fund of
9 the state to the department of cultural affairs for the
10 fiscal year beginning July 1, 2010, and ending June 30,
11 2011, the following amount, or so much thereof as is
12 necessary, to be credited to the BB-61 fund created in
13 2010 Iowa Acts, chapter 1194:

14 \$ 3,000,000

15 2. If the department of the navy, pursuant to a
16 process outlined in a notice published in the federal
17 register on May 24, 2010, volume 75, number 99, awards
18 possession or conditionally awards possession of the
19 battleship Iowa, BB-61, to a nonprofit group that is
20 eligible to receive the battleship, the department of
21 cultural affairs shall award a grant to the nonprofit
22 group in an amount equal to \$3 million in addition to
23 any moneys awarded as a grant from the BB-61 fund.

24 3. Notwithstanding section 8.33, moneys
25 appropriated in this section that remain unencumbered
26 or unobligated at the close of the fiscal year shall
27 not revert but shall remain available for expenditure
28 for the purposes designated for succeeding fiscal
29 years.

30 Sec. 49. STATE AGENCY OFFICE SUPPLIES PURCHASE,
31 EQUIPMENT PURCHASES, PRINTING AND BINDING, AND
32 MARKETING — APPLICABILITY. The limitation on
33 expenditures made for office supplies, purchases
34 of equipment, office equipment, and equipment
35 noninventory, printing and binding, and marketing
36 implemented pursuant to 2011 Iowa Acts, House File 45,
37 section 2, does not apply to a department or agency
38 receiving a supplemental appropriation for the fiscal
39 year beginning July 1, 2010, pursuant to 2011 Iowa
40 Acts, Senate File 209, division III.

41 Sec. 50. NEW SECTION. 7E.8 Implementation of
42 federal statute, regulation, or policy.

43 1. Except as otherwise explicitly authorized by
44 state law, a state administrative agency charged with
45 the implementation of a federal statute, regulation, or
46 policy shall not exceed the specific requirements of
47 that statute, regulation, or policy.

48 2. Any portion of a state administrative agency
49 rule or policy that is in violation of subsection 1 is
50 void.

1 Sec. 51. Section 256C.5, subsection 1, paragraph c,
2 Code 2011, is amended to read as follows:

3 c. "Preschool budget enrollment" means the figure
4 that is equal to ~~sixty~~ thirty percent of the actual
5 enrollment of eligible students in the preschool
6 programming provided by a school district approved
7 to participate in the preschool program on October 1
8 of the base year, or the first Monday in October if
9 October 1 falls on a Saturday or Sunday.

10 Sec. 52. NEW SECTION. 274.3 Exercise of powers —
11 construction.

12 1. The board of directors of a school district
13 shall operate, control, and supervise all public
14 schools located within its district boundaries and may
15 exercise any broad and implied power related to the
16 operation, control, and supervision of those public
17 schools except as expressly prohibited or prescribed by
18 the Constitution of the State of Iowa or by statute.

19 2. Notwithstanding subsection 1, the board of
20 directors of a school district shall not have power to
21 levy any tax unless expressly authorized by the general
22 assembly.

23 3. This section shall not apply to a research and
24 development school as defined in section 256G.2 or to
25 a laboratory school as defined in section 265.1. The
26 board of directors of a school district in which such a
27 research and development school or laboratory school
28 is located shall not exercise over such a school any
29 powers granted to the board by subsection 1.

30 4. This chapter, chapter 257 and chapters 275
31 through 301, and other statutes relating to the
32 boards of directors of school districts and to school
33 districts shall be liberally construed to effectuate
34 the purposes of subsection 1.

35 Sec. 53. Section 321J.2, subsection 4, paragraph b,
36 Code 2011, is amended to read as follows:

37 b. Assessment of a minimum fine of one thousand
38 eight hundred ~~fifty~~ seventy-five dollars and a maximum
39 fine of six thousand ~~two hundred~~ two hundred fifty dollars.
40 Surcharges and fees shall be assessed pursuant to
41 chapter 911.

42 Sec. 54. Section 422.11P, subsection 2, paragraph
43 b, Code 2011, as enacted by 2011 Iowa Acts, Senate File
44 531, section 25, is amended to read as follows:

45 b. The tax credit shall apply to biodiesel blended
46 fuel classified as provided in this section, if the
47 classification meets the standards provided in section
48 214A.2. In ensuring that biodiesel blended fuel meets
49 the classification requirements of this section, the
50 department shall take into account reasonable variances

1 due to testing and other limitations.

2 Sec. 55. Section 455A.6, subsection 5, Code 2011,
3 is amended by striking the subsection and inserting in
4 lieu thereof the following:

5 5. Six members of the commission is a quorum, and a
6 majority of the commission membership may act in any
7 matter within the jurisdiction of the commission.

8 Sec. 56. Section 455A.6, subsection 6, paragraph a,
9 Code 2011, is amended to read as follows:

10 a. Establish policy for the department and adopt
11 rules, pursuant to chapter 17A, necessary to provide
12 for the effective administration of chapter 455B, 455C,
13 or 459. The commission shall have only that authority
14 or discretion which is explicitly delegated to or
15 conferred upon the commission by chapter 455B, 455C, or
16 459, and shall not expand or enlarge on that authority
17 or discretion.

18 Sec. 57. REPEAL. Chapter 327K, Code 2011, is
19 repealed.

20 Sec. 58. EFFECTIVE AND APPLICABILITY DATES. The
21 section of this division of this Act appropriating
22 moneys to the department of cultural affairs for
23 purposes of a grant for the battleship Iowa, BB-61,
24 being deemed of immediate importance, takes effect upon
25 enactment and, if approved by the governor on or after
26 July 1, 2011, shall apply retroactively to June 30,
27 2011.

28 Sec. 59. APPLICABILITY. The section of this
29 division of this Act amending section 256C.5,
30 subsection 1, takes effect upon enactment, and applies
31 to budget years beginning on or after July 1, 2011.

32 Sec. 60. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
33 APPLICABILITY. The provision of this division of this
34 Act relating to a limitation on state agency office
35 supplies purchase, equipment purchases, printing and
36 binding, and marketing as enacted by 2011 Iowa Acts,
37 House File 45, being deemed of immediate importance,
38 takes effect upon enactment and applies retroactively
39 to March 7, 2011.

40 DIVISION V

41 PERFORMANCE OF DUTY

42 Sec. 61. Section 7D.10, Code 2011, is amended to
43 read as follows:

44 7D.10 Court costs.

45 If sufficient funds for court costs have not been
46 appropriated to a state department, or if sufficient
47 funds are not otherwise available for such purposes
48 within the budget of a state department, upon
49 authorization by the executive council may pay, out of
50 any money in the state treasury there is appropriated

1 from moneys in the general fund of the state not
2 otherwise appropriated, an amount sufficient to pay
3 expenses incurred, or costs taxed to the state, in
4 any proceeding brought by or against any of the state
5 departments or in which the state is a party or is
6 interested. This section shall not be construed to
7 authorize the payment of travel or other personal
8 expenses of state officers or employees.

9 Sec. 62. Section 7D.10A, as amended by 2011 Iowa
10 Acts, Senate File 478, section 11, as enacted, is
11 amended to read as follows:

12 **7D.10A Allocation Payment to livestock remediation**
13 **fund.**

14 If moneys are not sufficient to support the
15 livestock remediation fund as provided in chapter 459,
16 subchapter V, the executive council may ~~allocate from~~
17 ~~moneys in the general fund of the state, which are~~
18 ~~not otherwise obligated or encumbered,~~ authorize as
19 an expense paid from the appropriations addressed in
20 section 7D.29 the payment of an amount to the livestock
21 remediation fund as provided under section 459.501,
22 subsection 5. However, not more than a total of
23 one million dollars shall be allocated shall be paid
24 pursuant to this section to the livestock remediation
25 fund at any time.

26 Sec. 63. Section 7D.29, Code 2011, is amended to
27 read as follows:

28 **7D.29 Performance of duty — expense.**

29 1. The executive council shall not employ others,
30 or ~~incur~~ authorize any expense, for the purpose of
31 performing any duty imposed upon the council when
32 the duty may, without neglect of their usual duties,
33 be performed by the members, or by their regular
34 employees, but, subject to this limitation, the council
35 may ~~incur~~ authorize the necessary expense to perform
36 or cause to be performed any legal duty imposed on
37 the council, ~~and pay the same out of any money in the~~
38 ~~state treasury not otherwise appropriated. The expenses~~
39 authorized by the executive council in accordance
40 with this section and the expenses authorized by the
41 executive council in accordance with other statutory
42 provisions referencing the appropriations addressed in
43 this section shall be paid as follows:

44 a. From the appropriation made from the Iowa
45 economic emergency fund in section 8.55 for purposes of
46 paying such expenses.

47 b. To the extent the appropriation from the
48 Iowa economic emergency fund described in paragraph
49 "a" is insufficient to pay such expenses, there is
50 appropriated from moneys in the general fund of the

1 state not otherwise appropriated the amount necessary
2 to fund that deficiency.>

3 2. At least two weeks prior to the executive
4 council's approval of a payment authorization under
5 this section, the secretary of the executive council
6 shall notify the legislative services agency that
7 the authorization request will be considered by
8 the executive council and shall provide background
9 information justifying the request.

10 3. The executive council shall receive requests
11 from the Iowa department of public health relative to
12 the purchase, storing, and distribution of vaccines and
13 medication for prevention, prophylaxis, or treatment.
14 Upon review and after compliance with subsection 2,
15 the executive council may approve the request and may
16 ~~incur~~ authorize payment of the necessary expense and
17 ~~pay the same out of any money in the state treasury not~~
18 ~~otherwise appropriated. The expense authorized by the~~
19 executive council under this subsection shall be paid
20 from the appropriations referred to in subsection 1.

21 Sec. 64. Section 7D.30, Code 2011, is amended to
22 read as follows:

23 **7D.30 Necessary record.**

24 Before ~~incurring~~ authorizing any expense authorized
25 by in accordance with section 7D.29, the executive
26 council shall, in each case, by resolution, entered
27 upon its records, set forth the necessity for ~~incurring~~
28 authorizing such expense, the special fitness of the
29 one employed to perform such work, the definite rate of
30 compensation or salary allowed, and the total amount of
31 money that may be expended. Compensation or salary for
32 personal services in such cases must be determined by
33 unanimous vote of all members of the council.

34 Sec. 65. Section 8.55, subsection 3, paragraph a,
35 Code 2011, is amended to read as follows:

36 a. Except as provided in paragraphs "b", and "c", and
37 "0d", the moneys in the Iowa economic emergency fund
38 shall only be used pursuant to an appropriation made
39 by the general assembly. An appropriation shall only
40 be made for the fiscal year in which the appropriation
41 is made. The moneys shall only be appropriated by the
42 general assembly for emergency expenditures.

43 Sec. 66. Section 8.55, subsection 3, Code 2011, is
44 amended by adding the following new paragraph:

45 NEW PARAGRAPH. 0d. There is appropriated from the
46 Iowa economic emergency fund to the executive council
47 an amount sufficient to pay the expenses authorized by
48 the executive council, as addressed in section 7D.29.

49 Sec. 67. Section 8A.321, subsection 4, Code 2011,
50 is amended to read as follows:

1 4. Contract, with the approval of the executive
2 council, for the repair, remodeling, or, if the
3 condition warrants, demolition of all buildings and
4 grounds of the state at the seat of government, at
5 the state laboratories facility in Ankeny, and the
6 institutions of the department of human services and
7 the department of corrections for which no specific
8 appropriation has been made, if the cost of repair,
9 remodeling, or demolition will not exceed one hundred
10 thousand dollars when completed. The cost of repair
11 projects for which no specific appropriation has
12 been made shall be paid ~~from the fund~~ as an expense
13 authorized by the executive council as provided in
14 section 7D.29.

15 Sec. 68. Section 8A.321, subsection 6, paragraphs a
16 and b, Code 2011, are amended to read as follows:

17 a. Lease all buildings and office space necessary
18 to carry out the provisions of this subchapter or
19 necessary for the proper functioning of any state
20 agency at the seat of government. For state agencies
21 at the seat of government, the director may lease
22 buildings and office space in Polk county or in a
23 county contiguous to Polk county. If no specific
24 appropriation has been made, the proposed lease shall
25 be submitted to the executive council for ~~approval~~
26 authorization and if authorized lease expense shall
27 be paid from the appropriations addressed in section
28 7D.29. The cost of any lease for which no specific
29 appropriation has been made shall be paid from the fund
30 provided in section 7D.29.

31 b. When the general assembly is not in session, the
32 director may request ~~moneys~~ an expense authorization
33 from the executive council for moving state agencies
34 located at the seat of government from one location
35 to another. The request may include moving costs,
36 telecommunications costs, repair costs, or any other
37 costs relating to the move. The executive council may
38 ~~approve and shall pay the costs from funds~~ authorize
39 the expenses provided and may authorize the expenses to
40 be paid from the appropriations addressed in section
41 7D.29 if it determines the agency or department has
42 no available does not have funds available for these
43 expenses.

44 Sec. 69. Section 11.32, as amended by 2011 Iowa
45 Acts, House File 536, section 26, as enacted, is
46 amended to read as follows:

47 **11.32 Certified accountants employed.**

48 Nothing in this chapter shall prohibit the auditor
49 of state, with the prior written permission of the
50 state executive council, from employing certified

1 public accountants for specific assignments. The
2 auditor of state may employ such accountants for any
3 assignment ~~now~~ expressly reserved to the auditor of
4 state. Payments, after approval by the executive
5 council, ~~will~~ shall be made to the accountants so
6 employed from funds from which the auditor of state
7 would have been paid had the auditor of state performed
8 the assignment, or if ~~no~~ such specific funds are
9 ~~indicated not available~~, then ~~payment will be made~~
10 ~~from the funds of~~ authorization of the expense by the
11 executive council shall be requested, and if authorized
12 shall be paid from the appropriations addressed in
13 section 7D.29.

14 Sec. 70. Section 13.3, Code 2011, is amended to
15 read as follows:

16 **13.3 Disqualification — substitute.**

17 1. If, for any reason, the attorney general ~~be~~
18 is disqualified from appearing in any action or
19 proceeding, the executive council shall ~~appoint some~~
20 authorize the appointment of a suitable person for that
21 purpose and defray the. There is appropriated from
22 moneys in the general fund not otherwise appropriated
23 an amount necessary to pay the reasonable expense
24 thereof from any unappropriated funds in the state
25 treasury for the person appointed. The department
26 involved in the action or proceeding shall be requested
27 to recommend a suitable person to represent the
28 department and when the executive council concurs in
29 the recommendation, the person recommended shall be
30 appointed.

31 2. If the governor or a department is represented
32 by an attorney other than the attorney general in a
33 court proceeding as provided in this section, at the
34 conclusion of the court proceedings, the court shall
35 review the fees charged to the state to determine
36 if the fees are fair and reasonable. The executive
37 council shall not ~~reimburse~~ authorize reimbursement
38 of attorney fees in excess of those determined by the
39 court to be fair and reasonable.

40 Sec. 71. Section 13.7, Code 2011, is amended to
41 read as follows:

42 **13.7 Special counsel.**

43 Compensation shall not be allowed to any person for
44 services as an attorney or counselor to an executive
45 department of the state government, or the head thereof
46 of an executive department of state government, or to
47 a state board or commission. However, the executive
48 council may ~~employ~~ authorize employment of legal
49 assistance, at a reasonable compensation, in a pending
50 action or proceeding to protect the interests of the

1 state, but only upon a sufficient showing, in writing,
2 made by the attorney general, that the department of
3 justice cannot for reasons stated by the attorney
4 general perform the service, ~~which~~. The reasons
5 and action of the council shall be entered upon its
6 records. ~~When~~ If the attorney general determines that
7 the department of justice cannot perform legal service
8 in an action or proceeding, the executive council
9 shall request the department involved in the action or
10 proceeding to recommend legal counsel to represent the
11 department. If the attorney general concurs with the
12 department that the person recommended is qualified
13 and suitable to represent the department, the person
14 recommended shall be employed. If the attorney general
15 does not concur in the recommendation, the department
16 shall submit a new recommendation. This section does
17 not affect the general counsel for the utilities board
18 of the department of commerce, the legal counsel of the
19 department of workforce development, or the general
20 counsel for the property assessment appeal board.

21 Sec. 72. Section 29A.27, unnumbered paragraph 8,
22 Code 2011, is amended to read as follows:

23 All payments herein provided for under this section
24 shall be paid on the approval of the adjutant general
25 from the contingent fund of the executive council
26 created in section 29C.20.

27 Sec. 73. Section 29C.8, subsection 3, paragraph
28 f, subparagraph (3), Code 2011, is amended to read as
29 follows:

30 (3) Upon notification of a compensable loss to a
31 member of a homeland security and emergency management
32 response team, the department of administrative
33 services shall process the claim and seek ~~funding~~
34 authorization from the executive council for to pay
35 as an expense paid from the appropriations addressed
36 in section 7D.29 those costs associated with covered
37 benefits.

38 Sec. 74. Section 29C.20, subsection 1, paragraph a,
39 unnumbered paragraph 1, Code 2011, is amended to read
40 as follows:

41 A contingent fund is created in the state treasury
42 for the use of the executive council ~~which~~. Funding
43 for the contingent fund, if authorized by the executive
44 council, shall be paid from the appropriations
45 addressed in section 7D.29. Moneys in the contingent
46 fund may be expended for the following purposes:

47 Sec. 75. Section 96.13, subsection 3, paragraph c,
48 Code 2011, is amended to read as follows:

49 c. The department may appear before the executive
50 council and request ~~funds~~ authorization of moneys to

1 meet unanticipated emergencies as an expense from the
2 appropriations addressed in section 7D.29.

3 Sec. 76. Section 135.143, subsection 5, Code 2011,
4 is amended to read as follows:

5 5. Upon notification of a compensable loss, the
6 department of administrative services shall seek
7 ~~funding~~ authorization from the executive council for
8 to pay as an expense from the appropriations addressed
9 in section 7D.29 those costs associated with covered
10 workers' compensation benefits.

11 Sec. 77. Section 135.144, subsection 11, Code 2011,
12 is amended to read as follows:

13 11. If a public health disaster or other public
14 health emergency situation exists which poses an
15 imminent threat to the public health, safety, and
16 welfare, the department, in conjunction with the
17 governor, may provide financial assistance, from funds
18 appropriated to the department that are not otherwise
19 encumbered, to political subdivisions as needed to
20 alleviate the disaster or the emergency. If the
21 department does not have sufficient unencumbered funds,
22 the governor may request ~~that~~ the executive council,
23 ~~pursuant to the authority of section 7D.29, commit~~
24 ~~sufficient funds, to authorize the payment of up to one~~
25 ~~million dollars, that are not otherwise encumbered from~~
26 ~~the general fund, as needed and available, for as an~~
27 expense from the appropriations addressed in section
28 7D.29 to alleviate the disaster or the emergency. If
29 additional financial assistance is required in excess
30 of one million dollars, approval by the legislative
31 council is also required.

32 Sec. 78. Section 163.3A, subsection 4, paragraph b,
33 Code 2011, is amended to read as follows:

34 b. The department shall provide and update a list
35 of the registered members of each emergency response
36 team, including the members' names and identifying
37 information, to the department of administrative
38 services. Upon notification of a compensable loss
39 suffered by a registered member, the department
40 of administrative services shall seek ~~funding~~
41 authorization from the executive council for to pay as
42 an expense from the appropriations addressed in section
43 7D.29 those costs associated with covered benefits.

44 Sec. 79. Section 163.10, Code 2011, is amended to
45 read as follows:

46 **163.10 Quarantining or destroying animals.**

47 The department may quarantine or destroy any
48 animal exposed to or afflicted with an infectious or
49 contagious disease. However, cattle exposed to or
50 infected with tuberculosis shall not be destroyed

1 without the owner's consent, unless there are
2 sufficient moneys to reimburse the owner for the
3 cattle, which may be paid ~~from the appropriation as~~
4 an expense authorized as provided in section 163.15,
5 from moneys in the brucellosis and tuberculosis
6 eradication fund created in section 165.18, or from
7 moneys made available by the United States department
8 of agriculture.

9 Sec. 80. Section 163.15, subsection 2, paragraph
10 a, subparagraph (3), Code 2011, is amended to read as
11 follows:

12 (3) A claim for an indemnity by the owner and a
13 claim for compensation and expenses by the appraisers
14 shall be filed with the department and submitted by the
15 secretary of agriculture to the executive council for
16 its approval or disapproval authorization of payment
17 of the claim as an expense from the appropriations
18 addressed in section 7D.29.

19 Sec. 81. Section 163.15, subsection 2, paragraph
20 a, subparagraph (4), Code 2011, is amended by striking
21 the subparagraph.

22 Sec. 82. Section 163.15, subsection 2, paragraph b,
23 unnumbered paragraph 1, Code 2011, is amended to read
24 as follows:

25 A formula established by rule adopted by the
26 department that is effective as determined by
27 the department in accordance with chapter 17A and
28 applicable upon approval of the ~~plan~~ program of
29 eradication ~~approved~~ by the executive council. The
30 formula shall be applicable to indemnify owners if the
31 executive council, upon recommendation by the secretary
32 of agriculture, determines that an animal population
33 in this state is threatened with infection from an
34 exceptionally contagious disease.

35 Sec. 83. Section 163.15, subsection 2, paragraph
36 b, subparagraph (4), Code 2011, is amended to read as
37 follows:

38 ~~(4) Upon approval by the~~ The executive council,
39 ~~there is appropriated to the department from any~~
40 ~~moneys in the general fund of the state not otherwise~~
41 ~~appropriated moneys sufficient to carry out the~~
42 may authorize payment under the provisions of this
43 paragraph "b" as an expense from the appropriations
44 addressed in section 7D.29.

45 Sec. 84. Section 307.45, subsection 3, Code 2011,
46 is amended to read as follows:

47 3. Assessments against property owned by the state
48 and not under the jurisdiction and control of the
49 department's administrator of highways shall be made in
50 the same manner as those made against private property

1 and payment shall be ~~made~~ subject to authorization by
2 the executive council ~~from any funds of the state not~~
3 ~~otherwise appropriated.~~ There is appropriated from
4 moneys in the general fund not otherwise appropriated
5 an amount necessary to pay the expense authorized by
6 the executive council.

7 Sec. 85. Section 384.56, subsection 1, Code 2011,
8 is amended to read as follows:

9 1. Cities may assess the cost of a public
10 improvement which extends through, abuts upon, or is
11 adjacent to lands owned by the state, and ~~the executive~~
12 ~~council shall pay~~ payment for the assessable portion
13 of the cost of the improvement through or along the
14 lands as provided shall be subject to authorization by
15 the executive council. ~~The executive council shall~~
16 ~~pay assessments as~~ and payable in the manner provided
17 in section 307.45 for property owned by the state and
18 not under the jurisdiction and control of the state
19 department of transportation.

20 Sec. 86. Section 459.501, subsection 5, as amended
21 by 2011 Iowa Acts, Senate File 478, section 1, as
22 enacted, is amended to read as follows:

23 5. The following shall apply to moneys in the fund:

24 a. (1) The executive council may ~~allocate moneys~~
25 ~~from the general fund of the state as~~ authorize payment
26 of moneys as an expense paid from the appropriations
27 addressed in section 7D.29 and in the manner provided
28 in section 7D.10A in an amount necessary to support the
29 fund, including the following:

30 (a) The payment of claims as provided in section
31 459.505.

32 (b) The allocation of moneys to the department
33 of agriculture and land stewardship for the payment
34 of expenses incurred by the department of agriculture
35 and land stewardship associated with providing for the
36 sustenance and disposition of livestock pursuant to
37 chapter 717.

38 (2) Notwithstanding subparagraph (1), the
39 ~~allocation of moneys from the general fund of the state~~
40 ~~executive council's authorization for payment shall be~~
41 made provided only if the amount of moneys in the fund,
42 which are not obligated or encumbered, and not counting
43 the department's estimate of the cost to the fund for
44 pending or unsettled claims, the amount to be allocated
45 to the department of agriculture and land stewardship,
46 and any amount required to be credited to the general
47 fund of the state under this subsection, is less than
48 one million dollars.

49 b. The department of natural resources shall
50 credit an amount to the ~~general fund of the state~~

1 from which the expense authorized by the executive
2 council as provided in paragraph "a" was appropriated
3 which is equal to an amount allocated to support the
4 livestock remediation fund by the executive council
5 under paragraph "a". ~~The~~ However, the department shall
6 only be required to credit the moneys to the general
7 such fund of the state if the moneys in the livestock
8 remediation fund which are not obligated or encumbered,
9 and not counting the department's estimate of the
10 cost to the livestock remediation fund for pending or
11 unsettled claims, the amount to be allocated to the
12 department of agriculture and land stewardship, and
13 any amount required to be transferred to the general
14 fund under from which appropriated as described in this
15 paragraph, are in excess of two million five hundred
16 thousand dollars. The department is not required to
17 credit the total amount to the general fund of the
18 state from which appropriated as described in this
19 paragraph during any one fiscal year.

20 Sec. 87. Section 468.43, unnumbered paragraph 4,
21 Code 2011, is amended to read as follows:

22 The assessments against lands under the jurisdiction
23 of the department of natural resources shall be paid as
24 an expense from the appropriations addressed in section
25 7D.29, if authorized by the executive council upon
26 certification of the amount by the county treasurer.
27 ~~There is appropriated from any funds in the general~~
28 ~~fund of the state not otherwise appropriated amounts~~
29 ~~sufficient to pay the certified assessments.~~

30 Sec. 88. Section 568.16, Code 2011, is amended to
31 read as follows:

32 **568.16 Purchase money refunded.**

33 If the grantee of the state, or the grantee's
34 successors, administrators, or assigns, shall be
35 deprived of the land conveyed by the state under this
36 chapter by the final decree of a court of record for
37 the reason that the conveyance by the state passed
38 no title whatever to the land therein did not pass
39 title to the land described, because title thereto to
40 the land had previously for any reason been vested
41 in others, then the money so paid by the state for
42 the said land shall be refunded by the state to the
43 person or persons entitled thereto to the refund,
44 provided the said grantee, or the grantee's successors,
45 administrators, or assigns, shall file a certified
46 copy of the transcript of the said final decree with
47 the executive council within one year from the date
48 of the issuance of such decree, and shall also file
49 satisfactory proof with the executive council that the
50 action over the title to the land was commenced within

1 ten years from the date of the issuance of patent or
2 deed by the state. The amount of money to be refunded
3 under the provisions of this section shall be ~~certified~~
4 authorized and paid by the executive council to the
5 director of the department of administrative services,
6 who shall draw a warrant therefor, and the same shall
7 be paid out of the general fund as an expense from the
8 appropriations addressed in section 7D.29.

9 Sec. 89. Section 602.10133, Code 2011, is amended
10 to read as follows:

11 **602.10133 Costs and expenses.**

12 The court costs incident to such proceedings,
13 and the reasonable expense of ~~said the~~ judges in
14 attending ~~said the~~ hearing after being approved by
15 the supreme court shall be paid as ~~court costs an~~
16 expense authorized by the executive council from the
17 appropriations addressed in section 7D.29.

18 Sec. 90. Section 663.44, Code 2011, is amended to
19 read as follows:

20 **663.44 Costs.**

21 1. If the plaintiff is discharged, the costs shall
22 be assessed to the defendant, unless the defendant
23 is an officer holding the plaintiff in custody under
24 a commitment, or under other legal process, in which
25 case the costs shall be assessed to the county. If the
26 plaintiff's application is refused, the costs shall be
27 assessed against the plaintiff, and, in the discretion
28 of the court, against the person who filed the petition
29 in the plaintiff's behalf.

30 2. ~~However, where~~ Notwithstanding subsection 1, if
31 the plaintiff is confined in any state institution, and
32 is discharged in habeas corpus proceedings, or ~~where if~~
33 the habeas corpus proceedings fail, and costs and fees
34 cannot be collected from the person liable to pay ~~the~~
35 same costs and fees, such the costs and fees shall be
36 paid by the county in which such state institution is
37 located. The facts of such payment and the proceedings
38 on which it is based, with a statement of the amount
39 of fees or costs incurred, with approval in writing
40 by the presiding judge appended to ~~such the~~ statement
41 or endorsed ~~thereon on the~~ statement, shall ~~then~~ be
42 certified by the clerk of the district court under the
43 seal of office to the state executive council. The
44 executive council shall ~~then~~ review the proceedings and
45 authorize reimbursement for all such fees and costs
46 or such part ~~thereof~~ of the fees and costs as the
47 executive council shall ~~find~~ finds justified, and shall
48 notify the director of the department of administrative
49 services to draw a warrant to such county treasurer
50 on the state general fund for the amount authorized.

1 There is appropriated from moneys in the general fund
2 not otherwise appropriated an amount necessary to pay
3 the reimbursement authorized by the executive council.
4 The costs and fees referred to above shall include
5 any award of fees made to a court appointed attorney
6 representing an indigent party bringing the habeas
7 corpus action.

8 DIVISION VI

9 GROW IOWA VALUES FUND AND PROGRAM

10 Sec. 91. Section 15.103, subsection 6, Code 2011,
11 is amended to read as follows:

12 6. As part of the organizational structure of the
13 department, the board shall establish a due diligence
14 committee and a loan and credit guarantee committee
15 composed of members of the board. The committees shall
16 serve in an advisory capacity to the board and shall
17 carry out any duties assigned by the board in relation
18 to programs administered by the department. The loan
19 and credit guarantee committee shall advise the board
20 on the winding up of loan guarantees made under the
21 loan and credit guarantee program established pursuant
22 to section 15E.224, Code 2009, and on the proper
23 amount of the allocation described in section 15G.111,
24 subsection 4, paragraph "g".

25 Sec. 92. Section 15.104, subsection 1, Code 2011,
26 is amended by striking the subsection.

27 Sec. 93. Section 15.104, subsection 8, paragraphs
28 b and i, Code 2011, are amended by striking the
29 paragraphs.

30 Sec. 94. Section 15.104, subsection 8, paragraph j,
31 Code 2011, is amended to read as follows:

32 *j. Renewable fuel programs.* A detailed accounting
33 of expenditures in support of renewable fuel
34 infrastructure programs, as provided in sections
35 15G.203 and 15G.204. ~~The renewable fuel infrastructure~~
36 ~~board established in section 15G.202 shall approve that~~
37 ~~portion of the department's annual report regarding~~
38 ~~projects supported from the grow Iowa values fund~~
39 ~~created in section 15G.111. This paragraph is repealed~~
40 on July 1, 2012.

41 Sec. 95. Section 15.327, Code 2011, is amended by
42 adding the following new subsections:

43 NEW SUBSECTION. 01. "*Base employment level*" means
44 the number of full-time equivalent positions at a
45 business, as established by the department and a
46 business using the business's payroll records, as of
47 the date a business applies for financial assistance
48 under the program.

49 NEW SUBSECTION. 3A. "*County wage*" means the
50 average hourly compensation rates, excluding the value

1 of nonwage benefits for comparable jobs, from the most
2 recent four quarters of wage and employment information
3 from the quarterly covered wage and employment
4 data report issued by the department of workforce
5 development.

6 NEW SUBSECTION. 7A. "*Full-time equivalent position*"
7 means a non-part-time position for the number of hours
8 or days per week considered to be full-time work for
9 the kind of service or work performed for an employer.
10 Typically, a full-time equivalent position requires
11 two thousand eighty hours of work in a calendar year,
12 including all paid holidays, vacations, sick time, and
13 other paid leave.

14 NEW SUBSECTION. 7B. "*Maintenance period*" means the
15 period of time between the project completion date and
16 maintenance period completion date.

17 NEW SUBSECTION. 12A. "*Regional wage*" means the
18 average hourly compensation rates, excluding the value
19 of nonwage benefits for comparable jobs, from the most
20 recent four quarters of wage and employment information
21 from the quarterly covered wage and employment
22 data report issued by the department of workforce
23 development.

24 Sec. 96. Section 15.327, subsections 1, 4, 7, 8,
25 10, 12, and 13, Code 2011, are amended by striking
26 the subsections and inserting in lieu thereof the
27 following:

28 1. "*Benefit*" means nonwage compensation provided
29 to an employee. Benefits typically include medical
30 and dental insurance plans, pension, retirement,
31 and profit-sharing plans, child care services,
32 life insurance coverage, vision insurance coverage,
33 disability insurance coverage, and any other nonwage
34 compensation as determined by the board.

35 4. "*Created job*" means a new, permanent, full-time
36 equivalent position added to a business's payroll in
37 excess of the business's base employment level.

38 7. "*Fiscal impact ratio*" means a ratio calculated
39 by estimating the amount of taxes to be received from
40 a business by the state and dividing the estimate by
41 the estimated cost to the state of providing certain
42 financial incentives to the business, reflecting
43 a ten-year period of taxation and incentives and
44 expressed in terms of current dollars. For purposes
45 of the program, "*fiscal impact ratio*" does not include
46 taxes received by political subdivisions.

47 8. "*Maintenance period completion date*" means the
48 date on which the maintenance period ends.

49 10. "*Project completion date*" means the date by
50 which a recipient of financial assistance has agreed

1 to meet all the terms and obligations contained in an
2 agreement with the department as described in section
3 15.330.

4 12. *Qualifying wage threshold* means the county
5 wage or the regional wage, as calculated pursuant to
6 subsections 3A and 12A, whichever is lower.

7 13. *Retained job* means a full-time equivalent
8 position, in existence at the time an employer applies
9 for financial assistance which remains continuously
10 filled or authorized to be filled as soon as possible
11 and which is at risk of elimination if the project
12 for which the employer is seeking assistance does not
13 proceed.

14 Sec. 97. Section 15.329, subsection 2, Code 2011,
15 is amended to read as follows:

16 2. A business providing a sufficient package of
17 benefits to each employee holding a created or retained
18 job shall qualify for a credit against the qualifying
19 wage threshold requirements described in subsection
20 1, paragraph "c". The credit shall be calculated and
21 applied in the following manner:~~described in section~~
22 ~~15G.112, subsection 4, paragraph "b".~~

23 a. By multiplying the qualifying wage threshold of
24 the county in which the business is located by one and
25 three-tenths.

26 b. By multiplying the result of paragraph "a" by
27 one-tenth.

28 c. The amount of the result of paragraph "b" shall
29 be credited against the amount of the one hundred
30 thirty percent qualifying wage threshold requirement
31 that the business is required to meet under subsection
32 1, paragraph "c".

33 d. The credit shall not be applied against the
34 one hundred percent of qualifying wage threshold
35 requirement described in subsection 1, paragraph "c".

36 Sec. 98. Section 15.330, subsection 4, Code 2011,
37 is amended to read as follows:

38 4. A project completion date, a maintenance period
39 completion date, the number of jobs to be created
40 or retained, or certain other terms and obligations
41 described in ~~section 15G.112, subsection 1, paragraph~~
42 ~~"d"~~ an agreement, as the department deems necessary in
43 order to make the requirements in project agreements
44 uniform. The department, with the approval of
45 the board, may adopt rules as necessary for making
46 such requirements uniform. Such rules shall be in
47 compliance with the provisions of this part ~~and with~~
48 ~~the provisions of chapter 15G.~~

49 Sec. 99. Section 15.335A, subsection 1, unnumbered
50 paragraph 1, Code 2011, is amended to read as follows:

1 Tax incentives are available to eligible businesses
2 as provided in this section. The incentives are based
3 upon the number of jobs created or retained that pay
4 at least one hundred thirty percent of the qualifying
5 wage threshold as computed pursuant to section
6 ~~15G.112~~ 15.329, subsection 4 1, and the amount of the
7 qualifying investment made according to the following
8 schedule:

9 Sec. 100. Section 15.335A, subsection 2, paragraphs
10 b, c, f, and g, Code 2011, are amended by striking the
11 paragraphs.

12 Sec. 101. Section 15.335A, subsection 5, Code 2011,
13 is amended to read as follows:

14 5. The department shall negotiate the amount of tax
15 incentives provided to an applicant under the program
16 in accordance with this section ~~and section 15G.112~~, as
17 applicable.

18 Sec. 102. Section 15A.7, subsection 3, Code 2011,
19 is amended to read as follows:

20 3. That the employer shall agree to pay wages for
21 the jobs for which the credit is taken of at least the
22 county wage or the regional wage, as calculated by the
23 department pursuant to section ~~15G.112~~, subsection 3
24 15.327, subsections 3A and 12A, whichever is lower.
25 Eligibility for the supplemental credit shall be based
26 on a one-time determination of starting wages by the
27 community college.

28 Sec. 103. Section 15E.193, subsection 1, paragraphs
29 b through d, Code 2011, are amended to read as follows:

30 b. (1) The business shall provide a sufficient
31 package of benefits to each employee holding a created
32 or retained job. For purposes of this paragraph,
33 "*created job*" and "*retained job*" have the same meaning
34 as defined in section ~~15G.101~~ 15.327.

35 (2) The board, upon the recommendation of the
36 department, shall adopt rules determining what
37 constitutes a sufficient package of benefits.

38 c. The business shall pay a wage that is at least
39 ninety percent of the qualifying wage threshold. For
40 purposes of this paragraph, "*qualifying wage threshold*"
41 has the same meaning as defined in section ~~15G.101~~
42 15.327.

43 d. Creates or retains at least ten full-time
44 equivalent positions and maintains them until the
45 maintenance period completion date. For purposes of
46 this paragraph, "*maintenance period completion date*" and
47 "*full-time equivalent position*" have the same meanings
48 as defined in section ~~15G.101~~ 15.327.

49 Sec. 104. Section 15E.231, unnumbered paragraph 1,
50 Code 2011, is amended to read as follows:

1 ~~In order for an~~ An economic development region to
2 ~~receive moneys under the grow Iowa values financial~~
3 ~~assistance program established in section 15G.112,~~
4 ~~an shall establish a regional development plan. An~~
5 economic development region's regional development
6 plan must be approved by the department. An economic
7 development region shall consist of not less than
8 three counties, unless two contiguous counties have a
9 combined population of at least three hundred thousand
10 based on the most recent federal decennial census. An
11 economic development region shall establish a focused
12 economic development effort that shall include a
13 regional development plan relating to one or more of
14 the following areas:

15 Sec. 105. Section 15E.232, subsections 1, 3, 4,
16 5, 6, and 7, Code 2011, are amended by striking the
17 subsections.

18 Sec. 106. Section 15E.351, subsection 1, Code 2011,
19 is amended to read as follows:

20 1. The department shall establish and administer
21 a business accelerator program to provide financial
22 assistance for the establishment and operation of a
23 business accelerator for technology-based, value-added
24 agricultural, information solutions, alternative
25 and renewable energy including the alternative and
26 renewable energy sectors listed in section 476.42,
27 subsection 1, paragraph "a", or advanced manufacturing
28 start-up businesses or for a satellite of an existing
29 business accelerator. The program shall be designed
30 to foster the accelerated growth of new and existing
31 businesses through the provision of technical
32 assistance. ~~The department, subject to the approval of~~
33 ~~the economic development board, may provide financial~~
34 ~~assistance under this section from moneys allocated~~
35 ~~for regional financial assistance pursuant to section~~
36 ~~15G.111, subsection 9.~~

37 Sec. 107. Section 159A.6B, subsection 2, Code 2011,
38 is amended to read as follows:

39 2. The office may execute contracts in order to
40 provide technical support and outreach services for
41 purposes of assisting and educating interested persons
42 as provided in this section. The office may also
43 contract with a consultant to provide part or all
44 of these services. The office may require that a
45 person receiving assistance pursuant to this section
46 contribute up to fifty percent of the amount required
47 to support the costs of contracting with the consultant
48 to provide assistance to the person. ~~The office~~
49 ~~shall assist the person in completing any technical~~
50 ~~information required in order to receive assistance~~

1 ~~by the department of economic development pursuant~~
2 ~~to the value-added agriculture component of the grow~~
3 ~~Iowa values financial assistance program established~~
4 ~~pursuant to section 15G.112.~~

5 Sec. 108. Section 455B.104, subsection 2, Code
6 2011, is amended by striking the subsection.

7 Sec. 109. REPEAL. Section 15E.233, Code 2011, is
8 repealed.

9 Sec. 110. REPEAL. Sections 15G.101 and 15G.109
10 through 15G.115, Code 2011, are repealed.

11 Sec. 111. REPEAL. Section 266.19, Code 2011, is
12 repealed.

13 Sec. 112. REPEAL. Section 455B.433, Code 2011, is
14 repealed.

15 DIVISION VII

16 MH/MR/DD SERVICES ALLOWED GROWTH FUNDING — FY
17 2013-2014

18 Sec. 113. ADULT MH/MR/DD SERVICES ALLOWED
19 GROWTH FUNDING — FY 2013-2014. Notwithstanding
20 section 331.439, subsection 3, the allowed growth
21 factor adjustment for county mental health, mental
22 retardation, and developmental disabilities service
23 expenditures for the fiscal year beginning July 1,
24 2013, shall be established by statute which shall be
25 enacted within thirty calendar days of the convening
26 of the Eighty-fifth General Assembly, 2013 Session, on
27 January 14, 2013. The governor shall submit to the
28 general assembly a recommendation for such allowed
29 growth factor adjustment and the amounts of related
30 appropriations to the general assembly on or before
31 January 14, 2013.

32 DIVISION VIII

33 STANDING APPROPRIATIONS AND RELATED MATTERS — FY
34 2012-2013

35 Sec. 114. BUDGET PROCESS FOR FISCAL YEAR 2013-2014.

36 1. For the budget process applicable to the fiscal
37 year beginning July 1, 2013, on or before October 1,
38 2012, in lieu of the information specified in section
39 8.23, subsection 1, unnumbered paragraph 1, and
40 paragraph "a", all departments and establishments of
41 the government shall transmit to the director of the
42 department of management, on blanks to be furnished
43 by the director, estimates of their expenditure
44 requirements, including every proposed expenditure, for
45 the ensuing fiscal year, together with supporting data
46 and explanations as called for by the director of the
47 department of management after consultation with the
48 legislative services agency.

49 2. The estimates of expenditure requirements
50 shall be in a form specified by the director of

1 the department of management, and the expenditure
2 requirements shall include all proposed expenditures
3 and shall be prioritized by program or the results to
4 be achieved. The estimates shall be accompanied by
5 performance measures for evaluating the effectiveness
6 of the programs or results.

7 Sec. 115. LIMITATION OF STANDING APPROPRIATIONS.

8 Notwithstanding the standing appropriations in the
9 following designated sections for the fiscal year
10 beginning July 1, 2012, and ending June 30, 2013, the
11 amounts appropriated from the general fund of the state
12 pursuant to these sections for the following designated
13 purposes shall not exceed the following amounts:

14 1. For operational support grants and community
15 cultural grants under section 99F.11, subsection 3,
16 paragraph "d", subparagraph (1):

17 \$ 416,702

18 2. For regional tourism marketing under section
19 99F.11, subsection 3, paragraph "d", subparagraph (2):

20 \$ 810,306

21 3. For the center for congenital and inherited
22 disorders central registry under section 144.13A,
23 subsection 4, paragraph "a":

24 \$ 171,121

25 4. For primary and secondary child abuse prevention
26 programs under section 144.13A, subsection 4, paragraph
27 "a":

28 \$ 217,772

29 5. For programs for at-risk children under section
30 279.51:

31 \$ 10,804,258

32 The amount of any reduction in this subsection shall
33 be prorated among the programs specified in section
34 279.51, subsection 1, paragraphs "a", "b", and "c".

35 6. For payment for nonpublic school transportation
36 under section 285.2:

37 \$ 7,060,931

38 If total approved claims for reimbursement for
39 nonpublic school pupil transportation exceed the amount
40 appropriated in accordance with this subsection, the
41 department of education shall prorate the amount of
42 each approved claim.

43 7. For the enforcement of chapter 453D relating to
44 tobacco product manufacturers under section 453D.8:

45 \$ 18,416

46 Sec. 116. APPROPRIATION — FARMERS WITH
47 DISABILITIES. There is appropriated from the general
48 fund of the state to the department of agriculture and
49 land stewardship for the fiscal year beginning July 1,
50 2012, and ending June 30, 2013, the following amount,

1 or so much thereof as is necessary, for a program for
2 farmers with disabilities:

3 \$ 82,450

4 The moneys appropriated in this section shall be
5 used for the public purpose of providing a grant to
6 a national nonprofit organization with over 80 years
7 of experience in assisting children and adults with
8 disabilities and special needs. The moneys shall
9 be used to support a nationally recognized program
10 that began in 1986 and has been replicated in at
11 least 30 other states, but which is not available
12 through any other entity in this state, and that
13 provides assistance to farmers with disabilities in
14 all 99 counties to allow the farmers to remain in
15 their own homes and be gainfully engaged in farming
16 through provision of agricultural worksite and home
17 modification consultations, peer support services,
18 services to families, information and referral, and
19 equipment loan services. Notwithstanding section
20 8.33, moneys appropriated in this section that remain
21 unencumbered or unobligated at the close of the fiscal
22 year shall not revert but shall remain available for
23 expenditure for the purposes designated until the close
24 of the succeeding fiscal year.

25 Sec. 117. INSTRUCTIONAL SUPPORT STATE AID — FY
26 2012-2013. In lieu of the appropriation provided in
27 section 257.20, subsection 2, the appropriation for the
28 fiscal year beginning July 1, 2012, and ending June 30,
29 2013, for paying instructional support state aid under
30 section 257.20 for fiscal year 2012-2013 is zero.

31 Sec. 118. Section 257.35, Code 2011, is amended by
32 adding the following new subsection:

33 NEW SUBSECTION. 5B. Notwithstanding subsection 1,
34 and in addition to the reduction applicable pursuant
35 to subsection 2, the state aid for area education
36 agencies and the portion of the combined district cost
37 calculated for these agencies for the fiscal year
38 beginning July 1, 2012, and ending June 30, 2013, shall
39 be reduced by the department of management by twenty
40 million dollars. The reduction for each area education
41 agency shall be prorated based on the reduction that
42 the agency received in the fiscal year beginning July
43 1, 2003.

44 DIVISION IX

45 SALARIES, COMPENSATION, AND RELATED MATTERS — FY
46 2012-2013

47 Sec. 119. BONUS PAY. For the fiscal year beginning
48 July 1, 2012, employees of the executive branch,
49 judicial branch, and legislative branch shall not
50 receive bonus pay unless otherwise authorized by law,

1 required pursuant to a contract of employment entered
2 into before July 1, 2012, or required pursuant to a
3 collective bargaining agreement. This section does
4 not apply to employees of the state board of regents
5 who receive bonuses funded by nonpublic moneys. For
6 purposes of this section, "bonus pay" means any
7 additional remuneration provided an employee in
8 the form of a bonus, including but not limited to a
9 retention bonus, recruitment bonus, exceptional job
10 performance pay, extraordinary job performance pay,
11 exceptional performance pay, extraordinary duty pay,
12 or extraordinary or special duty pay, and any extra
13 benefit not otherwise provided to other similarly
14 situated employees.

15 Sec. 120. SALARY INCREASES — CERTAIN REVOLVING
16 FUNDS.

17 1. For the fiscal years beginning July 1, 2012, and
18 July 1, 2013, there is appropriated from the gaming
19 enforcement revolving fund an amount necessary for
20 funding annual pay adjustments and related benefits
21 for agents and officers of the division of criminal
22 investigation's racetrack, excursion boat, or gambling
23 structure enforcement activities. Moneys appropriated
24 pursuant to this subsection shall be in addition to and
25 supplement other appropriations from the fund.

26 2. For the fiscal years beginning July 1, 2012,
27 and July 1, 2013, there is appropriated from the
28 gaming regulatory revolving fund, if enacted by the
29 Eighty-fourth General Assembly, 2011 or 2012 session,
30 an amount necessary for funding annual pay adjustments
31 and related benefits for positions in the racing and
32 gaming commission of the department of inspections
33 and appeals who are assigned to administration
34 and enforcement of the excursion boat and gambling
35 structure laws. Moneys appropriated pursuant to this
36 subsection shall be in addition to and supplement other
37 appropriations from the fund.

38 Sec. 121. STATE TROOPER MEAL ALLOWANCE. For the
39 fiscal years beginning July 1, 2012, and July 1, 2013,
40 the sworn peace officers in the department of public
41 safety who are not covered by a collective bargaining
42 agreement negotiated pursuant to chapter 20 shall
43 receive the same per diem meal allowance as the sworn
44 peace officers in the department of public safety
45 who are covered by a collective bargaining agreement
46 negotiated pursuant to chapter 20.

47 Sec. 122. SALARY MODEL ADMINISTRATOR. The salary
48 model administrator shall work in conjunction with
49 the legislative services agency to maintain the
50 state's salary model used for analyzing, comparing,

1 and projecting state employee salary and benefit
2 information, including information relating to
3 employees of the state board of regents. The
4 department of revenue, the department of administrative
5 services, the five institutions under the jurisdiction
6 of the state board of regents, the judicial district
7 departments of correctional services, and the state
8 department of transportation shall provide salary data
9 to the department of management and the legislative
10 services agency to operate the state's salary
11 model. The format and frequency of provision of the
12 salary data shall be determined by the department of
13 management and the legislative services agency. The
14 information shall be used in collective bargaining
15 processes under chapter 20 and in calculating the
16 funding needs contained within the annual salary
17 adjustment legislation. A state employee organization
18 as defined in section 20.3, subsection 4, may request
19 information produced by the model, but the information
20 provided shall not contain information attributable to
21 individual employees.

22 DIVISION X

23 REGULAR PROGRAM AND CATEGORICAL STATE PERCENT
24 OF GROWTH FOR EDUCATION — FY 2012-2013

25 Sec. 123. Section 257.8, subsection 1, Code 2011,
26 is amended to read as follows:

27 1. *State percent of growth.* ~~The state percent of~~
28 ~~growth for the budget year beginning July 1, 2009, is~~
29 ~~four percent.~~ The state percent of growth for the
30 budget year beginning July 1, 2010, is two percent.
31 The state percent of growth for the budget year
32 beginning July 1, 2012, is two percent. The state
33 percent of growth for each subsequent budget year shall
34 be established by statute which shall be enacted within
35 thirty days of the submission in the year preceding the
36 base year of the governor's budget under section 8.21.
37 The establishment of the state percent of growth for
38 a budget year shall be the only subject matter of the
39 bill which enacts the state percent of growth for a
40 budget year.

41 Sec. 124. Section 257.8, subsection 2, Code 2011,
42 is amended to read as follows:

43 2. *Categorical state percent of growth.* The
44 categorical state percent of growth for the budget
45 year beginning July 1, 2010, is two percent. The
46 categorical state percent of growth for the budget
47 year beginning July 1, 2012, is two percent. The
48 categorical state percent of growth for each budget
49 year shall be established by statute which shall
50 be enacted within thirty days of the submission in

1 the year preceding the base year of the governor's
2 budget under section 8.21. The establishment of the
3 categorical state percent of growth for a budget year
4 shall be the only subject matter of the bill which
5 enacts the categorical state percent of growth for a
6 budget year. The categorical state percent of growth
7 may include state percents of growth for the teacher
8 salary supplement, the professional development
9 supplement, and the early intervention supplement.

10 Sec. 125. CODE SECTION 257.8 — APPLICABILITY. The
11 requirements of section 257.8 regarding the time period
12 of enactment and the subject matter of the legislation
13 establishing the state percent of growth and the
14 categorical state percent of growth for a budget year
15 are not applicable to the division. The requirements
16 of section 257.8 regarding enactment of the regular
17 program state percent of growth and categorical state
18 percent of growth within thirty days of the submission
19 in the year preceding the base year of the governor's
20 budget and the requirements that the subject matter
21 of each bill establishing the state percent of growth
22 or the categorical state percent of growth be the
23 only subject matter of the bill do not apply to this
24 division of this Act.

25 Sec. 126. APPLICABILITY. This division of this Act
26 is applicable for computing state aid under the state
27 school foundation program for the school budget year
28 beginning July 1, 2012.

29 DIVISION XI

30 APPROPRIATION TRANSFERS

31 REBUILD IOWA INFRASTRUCTURE FUND

32 Sec. 127. 2010 Iowa Acts, chapter 1184, section 26,
33 is amended to read as follows:

34 SEC. 26. There is appropriated from the rebuild
35 Iowa infrastructure fund to the department of economic
36 development for deposit in the grow Iowa values fund,
37 for the fiscal year beginning July 1, 2010, and ending
38 June 30, 2011, the following amount, notwithstanding
39 section 8.57, subsection 6, paragraph "c":
40 \$ 38,000,000

41 Of the moneys appropriated in this section, from
42 the amount allocated to the department of economic
43 development in accordance with 2010 Iowa Acts, chapter
44 1184, section 28, subsection 1, \$1,200,000 shall
45 be used for the department's Iowans helping Iowans
46 business assistance program. Notwithstanding section
47 8.33, moneys designated pursuant to this unnumbered
48 paragraph that remain unencumbered or unobligated at
49 the close of the fiscal year shall not revert but shall
50 remain available for expenditure for the purposes

1 designated until the close of the succeeding fiscal
2 year.

3 CASH RESERVE FUND

4 Sec. 128. 2010 Iowa Acts, chapter 1193, section 90,
5 subsection 1, is amended to read as follows:

6 1. DEPARTMENT OF HUMAN SERVICES

7 For the medical assistance program:

8 \$187,800,000

9 a. Of the moneys appropriated in this subsection,
10 the following amounts shall be transferred as follows:

11 (1) To the Iowa finance authority to be used for
12 the Iowans helping Iowans housing assistance program:

13 \$ 6,050,000

14 (2) To the department of human services to be
15 used for the unmet needs program administered by the
16 department:

17 \$ 3,056,603

18 b. Notwithstanding section 8.33, moneys transferred
19 pursuant to paragraph "a" that remain unencumbered
20 or unobligated at the close of the fiscal year shall
21 not revert but shall remain available for expenditure
22 for the purposes designated until the close of the
23 succeeding fiscal year.

24 Sec. 129. EFFECTIVE DATE — APPLICABILITY.

25 1. This division of this Act being deemed of
26 immediate importance takes effect upon enactment.

27 2. The provisions of this division of this Act
28 providing for transfers are retroactively applicable
29 to August 27, 2010, and apply in lieu of the transfers
30 made for the same purposes by the executive branch,
31 as reported by the department of management in the
32 transfer notice to the governor and lieutenant governor
33 dated August 27, 2010.

34 DIVISION XII

35 EARNED INCOME TAX CREDIT

36 Sec. 130. Section 422.12B, subsection 1, Code 2011,
37 is amended to read as follows:

38 1. The taxes imposed under this division less the
39 credits allowed under section 422.12 shall be reduced
40 by an earned income credit equal to ~~seven~~ ten percent
41 of the federal earned income credit provided in section
42 32 of the Internal Revenue Code. Any credit in excess
43 of the tax liability is refundable.

44 Sec. 131. RETROACTIVE APPLICABILITY. This division
45 of this Act applies retroactively to January 1, 2011,
46 for tax years beginning on or after that date.

47 DIVISION XIII

48 SCHOOL TUITION ORGANIZATION TAX CREDITS

49 Sec. 132. Section 422.11S, subsection 7, paragraph
50 a, subparagraph (2), Code 2011, is amended to read as

1 follows:

2 (2) ~~“Total approved tax credits” means for the~~
3 ~~tax year beginning in the 2006 calendar year, two~~
4 ~~million five hundred thousand dollars, for the tax~~
5 ~~year beginning in the 2007 calendar year, five million~~
6 ~~dollars, and for tax years beginning on or after~~
7 ~~January 1, 2008, seven million five hundred thousand~~
8 ~~dollars. the following:~~

9 (a) For tax years beginning on or after January 1,
10 2008, and before January 1, 2012, seven million five
11 hundred thousand dollars.

12 (b) For the tax year beginning on or after January
13 1, 2012, and before January 1, 2013, eight million
14 seven hundred fifty thousand dollars.

15 (c) For tax years beginning on or after January 1,
16 2013, ten million dollars.

17 DIVISION XIV

18 TEACHER EXPENSES

19 Sec. 133. Section 422.7, Code 2011, is amended by
20 adding the following new subsection:

21 NEW SUBSECTION. 54. A taxpayer is allowed to
22 take the deduction for certain expenses of elementary
23 and secondary school teachers allowed under section
24 62(a)(2)(D) of the Internal Revenue Code, as amended
25 by the federal Emergency Economic Stabilization Act of
26 2008, Pub. L. No. 110-343, in computing net income for
27 state tax purposes.

28 Sec. 134. REFUNDS. Notwithstanding any provision
29 to the contrary in section 422.25, subsection 3,
30 a taxpayer who files an amended return in the time
31 permitted by statute to claim a refund related to the
32 allowance of the deduction enacted in this division of
33 this Act is only entitled to a refund of the amount
34 paid that is in excess of tax liability. The taxpayer
35 shall not be entitled to interest on such excess.

36 Sec. 135. EFFECTIVE DATE AND RETROACTIVE
37 APPLICABILITY. This division of this Act, being deemed
38 of immediate importance, takes effect upon enactment
39 and applies retroactively to January 1, 2008, for
40 tax years beginning on or after that date and before
41 January 1, 2009.

42 DIVISION XV

43 QUALIFIED HIGHER EDUCATION EXPENSES

44 Sec. 136. Section 422.7, Code 2011, is amended by
45 adding the following new subsection:

46 NEW SUBSECTION. 54. A taxpayer is allowed to
47 take the deduction for qualified tuition and related
48 expenses allowed under section 222 of the Internal
49 Revenue Code, as amended by the federal Emergency
50 Economic Stabilization Act of 2008, Pub. L. No.

1 110-343, in computing net income for state tax
2 purposes.

3 Sec. 137. REFUNDS. Notwithstanding any provision
4 to the contrary in section 422.25, subsection 3,
5 a taxpayer who files an amended return in the time
6 permitted by statute to claim a refund related to the
7 allowance of the deduction enacted in this division of
8 this Act is only entitled to a refund of the amount
9 paid that is in excess of tax liability. The taxpayer
10 shall not be entitled to interest on such excess.

11 Sec. 138. EFFECTIVE DATE AND RETROACTIVE
12 APPLICABILITY. This division of this Act, being deemed
13 of immediate importance, takes effect upon enactment
14 and applies retroactively to January 1, 2008, for
15 tax years beginning on or after that date and before
16 January 1, 2009.

17 DIVISION XVI

18 STATE SALES/USE TAX DEDUCTION

19 Sec. 139. Section 422.9, subsection 2, paragraph i,
20 Code 2011, is amended to read as follows:

21 *i.* The deduction for state sales and use taxes
22 is allowable only if the taxpayer elected to deduct
23 the state sales and use taxes in lieu of state income
24 taxes under section 164 of the Internal Revenue Code.
25 A deduction for state sales and use taxes is not
26 allowed if the taxpayer has taken the deduction for
27 state income taxes or claimed the standard deduction
28 under section 63 of the Internal Revenue Code. This
29 paragraph applies to taxable years beginning after
30 December 31, 2003, and before January 1, ~~2006~~ 2009, and
31 to taxable years beginning after December 31, 2009, and
32 before January 1, 2012.

33 Sec. 140. REFUNDS. Notwithstanding any provision
34 to the contrary in section 422.25, subsection 3,
35 a taxpayer who files an amended return in the time
36 permitted by statute to claim a refund related to the
37 allowance of the deduction enacted in this division of
38 this Act is only entitled to a refund of the amount
39 paid that is in excess of tax liability. The taxpayer
40 shall not be entitled to interest on such excess.

41 Sec. 141. EFFECTIVE DATE AND RETROACTIVE
42 APPLICABILITY. This division of this Act, being deemed
43 of immediate importance, takes effect upon enactment
44 and applies retroactively to tax years beginning on or
45 after January 1, 2006, and before January 1, 2009, and
46 to tax years beginning on or after January 1, 2010, and
47 before January 1, 2012.

48 DIVISION XVII

49 SPECIAL FILING PROVISIONS

50 Sec. 142. SPECIAL FILING PROVISIONS.

1 1. Adjustments by individuals to federal adjusted
2 gross income and by corporations to federal taxable
3 income for tax returns filed prior to the enactment of
4 2011 Iowa Acts, Senate File 512, may be required as a
5 result of the provisions of the divisions of this Act
6 relating to the adjustment provisions enumerated in
7 this subsection. These adjustments are as follows:

8 a. The increased expensing allowance authorized in
9 section 179(b) of the Internal Revenue Code for tax
10 years beginning on or after January 1, 2010, but before
11 January 1, 2011.

12 b. The deduction for qualified tuition and related
13 expenses allowed under section 222 of the Internal
14 Revenue Code.

15 c. The deduction for certain expenses of elementary
16 and secondary school teachers allowed under section
17 62(a)(2)(D) of the Internal Revenue Code.

18 2. In lieu of filing an amended tax return,
19 taxpayers may make the adjustments, pursuant to rules
20 adopted by the director of revenue, on the next return
21 filed subsequent to the enactment of 2011 Iowa Acts,
22 Senate File 512. If the taxpayer elects not to file
23 an amended return, these provisions are suspended with
24 regard to the following adjustments otherwise available
25 as a result of this Act.

26 a. The limitation based on income provisions
27 and regulations of section 179(b)(3) of the Internal
28 Revenue Code with regard to the section 179(b)
29 adjustment.

30 b. The applicable dollar limit provisions of
31 section 222(b)(2)(B) of the Internal Revenue Code with
32 regard to the section 222 adjustment.

33 DIVISION XVIII

34 WITHHOLDING AGREEMENTS

35 Sec. 142. Section 403.19A, subsection 1, paragraphs
36 c and f, Code 2011, are amended to read as follows:

37 c. "Employer" means a business creating or
38 retaining targeted jobs in an urban renewal area of a
39 pilot project city pursuant to a withholding agreement.

40 f. "Targeted job" means a job in a business which
41 is or will be located in an urban renewal area of a
42 pilot project city that pays a wage at least equal to
43 the countywide average wage. "Targeted job" includes
44 new or retained jobs from Iowa business expansions
45 or retentions within the city limits of the pilot
46 project city and those jobs resulting from established
47 out-of-state businesses, as defined by the department
48 of economic development, moving to or expanding in
49 Iowa.

50 Sec. 143. Section 403.19A, subsection 3, paragraph

1 c, subparagraph (1), Code 2011, is amended to read as
2 follows:

3 (1) The pilot project city shall enter into a
4 withholding agreement with each employer concerning
5 the targeted jobs withholding credit. The withholding
6 agreement shall provide for the total amount of
7 withholding tax credits awarded. An agreement shall
8 not provide for an amount of withholding credits that
9 exceeds the amount of the qualifying investment made in
10 the project. An agreement shall not be entered into by
11 a pilot project city with a business currently located
12 in this state unless the business either creates or
13 retains ten new jobs or makes a qualifying investment
14 of at least five hundred thousand dollars within
15 the urban renewal area. The withholding agreement
16 may have a term of up to ten years. An employer
17 shall not be obligated to enter into a withholding
18 agreement. An agreement shall not be entered into with
19 an employer not already located in a pilot project
20 city when another Iowa community is competing for the
21 same project and both the pilot project city and the
22 other Iowa community are seeking assistance from the
23 department.

24 Sec. 144. Section 403.19A, subsection 3, paragraph
25 f, Code 2011, is amended to read as follows:

26 f. If the employer ceases to meet the requirements
27 of the withholding agreement, the agreement shall be
28 terminated and any withholding tax credits for the
29 benefit of the employer shall cease. However, in
30 regard to the number of ~~new~~ jobs that are to be created
31 or retained, if the employer has met the number of
32 new jobs to be created or retained pursuant to the
33 withholding agreement and subsequently the number of
34 ~~new~~ jobs falls below the required level, the employer
35 shall not be considered as not meeting the ~~new~~ job
36 requirement until eighteen months after the date of the
37 decrease in the number of ~~new~~ jobs created or retained.

38 Sec. 145. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
39 APPLICABILITY. This division of this Act, being
40 deemed of immediate importance, takes effect upon
41 enactment and applies retroactively to July 1, 2006,
42 for agreements entered into on or after that date.

43 DIVISION XIX

44 DISASTER-RELATED PERSONAL CASUALTY LOSS DEDUCTIONS

45 Sec. 146. Section 422.9, Code 2011, is amended by
46 adding the following new subsection:

47 NEW SUBSECTION. 9. A taxpayer is allowed to take
48 the deduction for disaster-related casualty losses
49 under section 165(h) of the Internal Revenue Code, as
50 modified by the Heartland Disaster Relief Act of 2008,

1 Pub. L. No. 110-343, in computing net income for state
2 tax purposes.

3 Sec. 147. Notwithstanding any provision to the
4 contrary in section 422.25, subsection 3, a taxpayer
5 who files an amended return in the time permitted by
6 statute to claim a refund related to the allowance of
7 the deduction enacted in this division of this Act is
8 only entitled to a refund of the amount paid that is
9 in excess of tax liability. The taxpayer shall not be
10 entitled to interest on such excess.

11 Sec. 148. EFFECTIVE DATE AND RETROACTIVE
12 APPLICABILITY. This division of this Act, being deemed
13 of immediate importance, takes effect upon enactment
14 and applies retroactively to January 1, 2008, for
15 tax years beginning on or after that date and before
16 January 1, 2009.

17 DIVISION XX

18 FIRE EXTINGUISHING AND ALARM SYSTEMS CONTRACTORS AND
19 INSTALLERS — ELECTRICIANS AND ELECTRICAL CONTRACTORS
20 — LICENSING

21 Sec. 149. Section 100C.1, subsection 13, Code 2011,
22 is amended by adding the following new paragraph:

23 NEW PARAGRAPH. *c.* For a telecommunications
24 company that has been issued a certificate of public
25 convenience and necessity pursuant to section 476.29,
26 a person with whom the telecommunications company
27 contracts, who is certified by the national institute
28 for certification in engineering technologies as
29 required in paragraph "a" or "b" or who meets any other
30 criteria established by rule.

31 Sec. 150. Section 100C.2, subsection 3, Code 2011,
32 is amended by adding the following new paragraph:

33 NEW PARAGRAPH. *d.* This subsection shall not
34 apply to a responsible managing employee with whom a
35 telecommunications company contracts as provided in
36 section 100C.1, subsection 13, paragraph "c".

37 Sec. 151. NEW SECTION. 103.1A Term "**commercial**"
38 applied.

39 As used in this chapter:

40 1. "**Commercial**" refers to a use, installation,
41 structure, or premises associated with a place of
42 business where goods, wares, services, or merchandise
43 is stored or offered for sale on a wholesale or retail
44 basis.

45 2. "**Commercial**" refers to a residence only if
46 the residence is also used as a place of business as
47 provided in subsection 1.

48 3. "**Commercial**" does not refer to a use,
49 installation, structure, or premises associated with
50 any of the following:

1 a. A farm.
2 b. An industrial installation.
3 Sec. 152. Section 103.22, subsection 7, Code 2011,
4 is amended to read as follows:
5 7. Prohibit an owner of property from performing
6 work on the owner's principal residence, if such
7 residence is an existing dwelling rather than new
8 construction and is not an apartment that is attached
9 to any other apartment or building, as those terms are
10 defined in section 499B.2, and is not larger than a
11 single-family dwelling, ~~or farm property, excluding~~
12 ~~commercial or industrial installations or installations~~
13 ~~in public use buildings or facilities,~~ or require
14 such owner to be licensed under this chapter. In
15 order to qualify for inapplicability pursuant to this
16 subsection, a residence shall qualify for the homestead
17 tax exemption.
18 Sec. 153. Section 103.22, Code 2011, is amended by
19 adding the following new subsection:
20 NEW SUBSECTION. 15. Apply to a person performing
21 any installation on a farm, if the person is associated
22 with the farm as a holder of a legal or equitable
23 interest, a relative or employee of the holder, or
24 an operator or manager of the farm. The provisions
25 of this chapter do not require such person to be
26 licensed. In addition, a permit is not required for an
27 installation on a farm, and an installation on a farm
28 is not required to be inspected. In order for a farm
29 building to qualify under this subsection, the farm
30 building must not be regularly open to the public as a
31 place of business for the retail sale of goods, wares,
32 services, or merchandise.

33 DIVISION XXI

34 CLASS "A" FELONIES — JUVENILES

35 Sec. 154. Section 902.1, Code 2011, is amended to
36 read as follows:
37 **902.1 Class "A" felony.**
38 1. Upon a plea of guilty, a verdict of guilty, or
39 a special verdict upon which a judgment of conviction
40 of a class "A" felony may be rendered, the court shall
41 enter a judgment of conviction and shall commit the
42 defendant into the custody of the director of the
43 Iowa department of corrections for the rest of the
44 defendant's life. Nothing in the Iowa corrections code
45 pertaining to deferred judgment, deferred sentence,
46 suspended sentence, or reconsideration of sentence
47 applies to a class "A" felony, and a person convicted
48 of a class "A" felony shall not be released on parole
49 unless the governor commutes the sentence to a term of
50 years.

1 2. a. Notwithstanding subsection 1, a person
2 convicted of a class "A" felony, and who was under the
3 age of eighteen at the time the offense was committed
4 shall be eligible for parole after serving a minimum
5 term of confinement of twenty-five years.

6 b. If a person is paroled pursuant to this
7 subsection the person shall be subject to the same set
8 of procedures set out in chapters 901B, 905, 906, and
9 chapter 908, and rules adopted under those chapters for
10 persons on parole.

11 c. A person convicted of murder in the first degree
12 in violation of section 707.2 shall not be eligible for
13 parole pursuant to this subsection.

14 Sec. 155. EFFECTIVE UPON ENACTMENT. This division
15 of this Act, being deemed of immediate importance,
16 takes effect upon enactment.

17 DIVISION XXII

18 SCHOOL DRESS CODES

19 Sec. 156. Section 279.58, subsection 1, Code 2011,
20 is amended by striking the subsection.

21 Sec. 157. Section 279.58, subsection 2, Code 2011,
22 is amended to read as follows:

23 2. The board of directors of a school district may
24 adopt, for the district or for an individual school
25 within the district, a dress code policy that ~~prohibits~~
26 ~~students from wearing gang-related or other specific~~
27 ~~apparel~~ prescribes standard dress, or that otherwise
28 imposes limitations on student dress without limiting
29 a student's constitutional rights and privileges,
30 if the board determines that the policy ~~is necessary~~
31 ~~for~~ would improve the health, safety, or positive
32 educational environment of students and staff in the
33 school environment or for the appropriate discipline
34 and operation of the school.

35 3. Adoption and enforcement of a dress code policy
36 pursuant to this section is not a violation of section
37 280.22.

38 Sec. 158. EFFECTIVE UPON ENACTMENT. This division
39 of this Act, being deemed of immediate importance,
40 takes effect upon enactment.

41 DIVISION XXIII

42 DAYS OF INSTRUCTION

43 Sec. 159. Section 256.7, subsection 19, Code 2011,
44 is amended to read as follows:

45 19. ~~Define the minimum school day as a day~~
46 ~~consisting of five and one-half hours of instructional~~
47 ~~time for grades one through twelve. The minimum~~
48 ~~hours as time spent with a licensed teacher that shall~~
49 ~~be exclusive of the lunch period and parent-teacher~~
50 conferences, but may include passing time between

1 classes. ~~Time spent on parent-teacher conferences~~
2 ~~shall be considered instructional time. A school or~~
3 ~~school district may record a day of school with less~~
4 ~~than the minimum instructional hours as a minimum~~
5 ~~school day if any of the following apply:~~

6 ~~a. If emergency health or safety factors require~~
7 ~~the late arrival or early dismissal of students on a~~
8 ~~specific day.~~

9 ~~b. If the total hours of instructional school~~
10 ~~time for grades one through twelve for any five~~
11 ~~consecutive school days equal a minimum of twenty-seven~~
12 ~~and one-half hours, even though any one day of~~
13 ~~school is less than the minimum instructional hours~~
14 ~~because of a staff development opportunity provided~~
15 ~~for the professional instructional staff or because~~
16 ~~parent-teacher conferences have been scheduled~~
17 ~~beyond the regular school day. Furthermore, if the~~
18 ~~total hours of instructional time for the first four~~
19 ~~consecutive days equal at least twenty-seven and~~
20 ~~one-half hours because parent-teacher conferences~~
21 ~~have been scheduled beyond the regular school day, a~~
22 ~~school or school district may record zero hours of~~
23 ~~instructional time on the fifth consecutive school day~~
24 ~~as a minimum school day.~~

25 Sec. 160. Section 256F.4, subsection 5, Code 2011,
26 is amended to read as follows:

27 5. A charter school or innovation zone school shall
28 provide instruction for at least the number of days
29 hours required by section 279.10, subsection 1, ~~or~~
30 ~~shall provide at least the equivalent number of total~~
31 ~~hours.~~

32 Sec. 161. Section 279.10, subsection 1, Code 2011,
33 is amended to read as follows:

34 1. The school year for each school district and
35 accredited nonpublic school shall begin on the first
36 day of July 1 and each regularly established elementary
37 and secondary school shall begin no sooner than a day
38 during the calendar week in which the first day of
39 September falls but no later than the first Monday
40 in December. However, if the first day of September
41 falls on a Sunday, school may begin on a day during the
42 calendar week which immediately precedes the first day
43 of September. School shall continue for at least one
44 hundred eighty days, except as provided in subsection
45 3, and may be maintainedThe school calendar shall
46 include not less than one thousand eighty hours of
47 instruction during the entire calendar year. However,
48 if The board of directors of a school district and the
49 authorities in charge of an accredited nonpublic school
50 shall set the number of days of required attendance

1 for the school year as provided in section 299.1,
2 subsection 2, but the board of directors of a school
3 district shall hold a public hearing on any proposed
4 school calendar prior to adopting the school calendar.
5 If the board of directors of a district or the
6 authorities in charge of an accredited nonpublic school
7 extends the school calendar because inclement weather
8 caused the school district or accredited nonpublic
9 school to temporarily close school during the regular
10 school calendar, the school district or accredited
11 nonpublic school may excuse a graduating senior who
12 has met district or school requirements for graduation
13 from attendance during the extended school calendar. A
14 school corporation may begin employment of personnel
15 for in-service training and development purposes before
16 the date to begin elementary and secondary school.

17 Sec. 162. Section 279.10, subsections 2 and 3, Code
18 2011, are amended by striking the subsections.

19 Sec. 163. Section 299.4, subsection 1, Code 2011,
20 is amended to read as follows:

21 1. The parent, guardian, or legal custodian of a
22 child who is of compulsory attendance age, who places
23 the child under competent private instruction under
24 either section 299A.2 or 299A.3, not in an accredited
25 school or a home school assistance program operated
26 by a school district or accredited nonpublic school,
27 shall furnish a report in duplicate on forms provided
28 by the public school district, to the district by ~~the~~
29 ~~earliest starting date specified in section 279.10,~~
30 subsection 1 September 1 of the school year in which
31 the child will be under competent private instruction.
32 The secretary shall retain and file one copy and
33 forward the other copy to the district's area education
34 agency. The report shall state the name and age of the
35 child, the period of time during which the child has
36 been or will be under competent private instruction
37 for the year, an outline of the course of study, texts
38 used, and the name and address of the instructor. The
39 parent, guardian, or legal custodian of a child, who is
40 placing the child under competent private instruction
41 for the first time, shall also provide the district
42 with evidence that the child has had the immunizations
43 required under section 139A.8, and, if the child is
44 elementary school age, a blood lead test in accordance
45 with section 135.105D. The term "outline of course of
46 study" shall include subjects covered, lesson plans,
47 and time spent on the areas of study.

48 Sec. 164. REPEAL. Section 256.22, Code 2011, is
49 repealed.

50 Sec. 165. EFFECTIVE DATE. This division of this

1 Act takes effect July 1, 2012.

2 DIVISION XXIV

3 MEDICATION THERAPY MANAGEMENT

4 Sec. 166. 2010 Iowa Acts, chapter 1193, section
5 166, subsections 2 and 3, are amended to read as
6 follows:

7 2. a. Prior to July 1, 2010, the department of
8 administrative services shall utilize a request for
9 proposals process to contract for the provision of
10 medication therapy management services beginning
11 July 1, 2010, and prior to July 1, 2011, shall amend
12 the contract to continue the provision of medication
13 therapy management services beginning July 1, 2011,
14 for eligible employees who meet any of the following
15 criteria:

16 (1) An individual who takes four or more
17 prescription drugs to treat or prevent two or more
18 chronic medical conditions.

19 (2) An individual with a prescription drug therapy
20 problem who is identified by the prescribing physician
21 or other appropriate prescriber, and referred to a
22 pharmacist for medication therapy management services.

23 (3) An individual who meets other criteria
24 established by the third-party payment provider
25 contract, policy, or plan.

26 ~~b. The department of administrative services shall
27 utilize an advisory committee comprised of an equal
28 number of physicians and pharmacists to provide advice
29 and oversight regarding the request for proposals and
30 evaluation processes. The department shall appoint the
31 members of the advisory council based upon designees
32 of the Iowa pharmacy association, the Iowa medical
33 society, and the Iowa osteopathic medical association.~~

34 ~~e.~~ b. The contract shall require the company
35 to provide annual reports to the general assembly
36 detailing the costs, savings, estimated cost avoidance
37 and return on investment, and patient outcomes
38 related to the medication therapy management services
39 provided. The company shall guarantee demonstrated
40 annual savings, including any savings associated with
41 cost avoidance at least equal to the program's costs
42 with any shortfall amount refunded to the state. As
43 a proof of concept in the program for the period
44 beginning July 1, 2010, and ending June 30, 2011, the
45 company shall offer a dollar-for-dollar guarantee for
46 drug product costs savings alone. Prior to entering
47 into a contract with a company, the department and
48 the company shall agree on the terms, conditions,
49 and applicable measurement standards associated
50 with the demonstration of savings. The department

1 shall verify the demonstrated savings reported by
2 the company was performed in accordance with the
3 agreed upon measurement standards. The company shall
4 be prohibited from using the company's employees to
5 provide the medication therapy management services and
6 shall instead be required to contract with licensed
7 pharmacies, pharmacists, or physicians.

8 d. The fees for pharmacist-delivered medication
9 therapy management services shall be separate from
10 the reimbursement for prescription drug product or
11 dispensing services; shall be determined by each
12 third-party payment provider contract, policy, or plan;
13 and must be reasonable based on the resources and time
14 required to provide the service.

15 e. A fee shall be established for physician
16 reimbursement for services delivered for medication
17 therapy management as determined by each third-party
18 payment provider contract, policy, or plan, and must be
19 reasonable based on the resources and time required to
20 provide the service.

21 f. If any part of the medication therapy management
22 plan developed by a pharmacist incorporates services
23 which are outside the pharmacist's independent scope
24 of practice including the initiation of therapy,
25 modification of dosages, therapeutic interchange, or
26 changes in drug therapy, the express authorization
27 of the individual's physician or other appropriate
28 prescriber is required.

29 g. For the contract period beginning July 1, 2011,
30 the department shall utilize the services of the
31 college of pharmacy at a state university to validate
32 reported drug cost savings.

33 h. The results of the pilot program for the period
34 beginning July 1, 2010, and ending December 31, 2011,
35 shall be submitted to the general assembly no later
36 than March 1, 2012.

37 3. This section is repealed December 31, ~~2011~~ 2012.

38 Sec. 167. TRANSFER — MEDICATION THERAPY MANAGEMENT
39 PROGRAM. There is transferred \$510,000 from the
40 fees collected by the board of pharmacy pursuant to
41 chapter 155A and retained by the board pursuant to the
42 authority granted in section 147.82 to the department
43 of administrative services for the fiscal year
44 beginning July 1, 2011, and ending June 30, 2012, to be
45 used to be used for the medication therapy management
46 program.

47 Sec. 168. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
48 APPLICABILITY. This division of this Act, being deemed
49 of immediate importance, takes effect upon enactment,
50 and is retroactively applicable to June 15, 2011.

1 DIVISION XXV

2 CONDITIONAL EFFECTIVE DATES FOR 2011 IOWA ACTS

3 Sec. 169. SENATE FILE 508 EFFECTIVE DATE. Unless
4 otherwise provided, if 2011 Iowa Acts, Senate File 508,
5 as enacted, is approved by the governor on or after
6 July 1, 2011, the Act takes effect upon enactment and
7 applies retroactively to July 1, 2011.

8 Sec. 170. SENATE FILE 511 EFFECTIVE DATE. Unless
9 otherwise provided, if 2011 Iowa Acts, Senate File 511,
10 as enacted, is approved by the governor on or after
11 July 1, 2011, the Act takes effect upon enactment and
12 applies retroactively to July 1, 2011.

13 Sec. 171. SENATE FILE 525 EFFECTIVE DATE. Unless
14 otherwise provided, if 2011 Iowa Acts, Senate File 525,
15 as enacted, is approved by the governor on or after
16 July 1, 2011, the Act takes effect upon enactment and
17 applies retroactively to June 30, 2011.

18 Sec. 172. SENATE FILE 148 EFFECTIVE DATE. Unless
19 otherwise provided, if 2011 Iowa Acts, House File 148,
20 as enacted, is approved by the governor on or after
21 July 1, 2011, the Act takes effect upon enactment and
22 applies retroactively to June 30, 2011.

23 Sec. 173. EFFECTIVE UPON ENACTMENT AND
24 APPLICABILITY. This division of this Act, being deemed
25 of immediate importance, takes effect upon enactment
26 and applies as provided by this division of this Act.

27 DIVISION XXVI

28 NOTICE OF MORTGAGE MEDIATION ASSISTANCE — SUNSET

29 Sec. 174. Section 654.4B, subsection 2, paragraph
30 b, Code 2011, is amended to read as follows:

31 b. This subsection is repealed July 1, 2011.

32 Sec. 175. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
33 APPLICABILITY. This division of this Act, being deemed
34 of immediate importance, takes effect upon enactment
35 and, if approved by the governor on or after July 1,
36 2011, applies retroactively to June 30, 2011.

37 DIVISION XXVII

38 HOUSING DEVELOPMENT — TAX STATUS

39 Sec. 176. Section 405.1, Code 2011, is amended to
40 read as follows:

41 **405.1 Housing development — tax status —**
42 **limitation.**

43 ~~1.~~ The board of supervisors of a county with a
44 ~~population of less than twenty thousand~~ may adopt
45 an ordinance providing that property acquired and
46 subdivided for development of housing shall continue
47 to be assessed for taxation in the manner that it was
48 prior to the acquisition for housing. Each lot shall
49 continue to be taxed in the manner it was prior to
50 its acquisition for housing until the lot is sold for

1 construction or occupancy of housing or five ten years
2 from the date of subdivision, whichever is shorter.
3 Upon the sale or the expiration of the five-year
4 ten-year period, the property shall be assessed for
5 taxation as residential or commercial multifamily
6 property, whichever is applicable.

7 ~~2. The board of supervisors of a county with
8 a population of twenty thousand or more may adopt
9 an ordinance providing that property acquired and
10 subdivided for development of housing shall continue
11 to be assessed for taxation in the manner that it was
12 prior to the acquisition for housing. Each lot shall
13 continue to be taxed in the manner it was prior to
14 its acquisition for housing until the lot is sold for
15 construction or occupancy of housing or three years
16 from the date of subdivision, whichever is shorter.
17 Upon the sale or the expiration of the three-year
18 period, the property shall be assessed for taxation
19 as residential or commercial multifamily property,
20 whichever is applicable.~~

21 Sec. 177. Section 441.72, Code 2011, is amended to
22 read as follows:

23 **441.72 Assessment of platted lots.**

24 When a subdivision plat is recorded pursuant to
25 chapter 354, the individual lots within the subdivision
26 plat shall not be assessed in excess of the total
27 assessment of the land as acreage or unimproved
28 property for three ten years after the recording of
29 the plat or until the lot is actually improved with
30 permanent construction, whichever occurs first. When
31 an individual lot has been improved with permanent
32 construction, the lot shall be assessed for taxation
33 purposes as provided in chapter 428 and this chapter.
34 This section does not apply to special assessment
35 levies.

36 Sec. 178. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
37 APPLICABILITY. This division of this Act, being deemed
38 of immediate importance, takes effect upon enactment
39 and applies retroactively to assessment years beginning
40 on or after January 1, 2011. The division applies to
41 subdivision plats recorded on or after January 1, 2004.

42 **DIVISION XXVIII**

43 **CONDITIONAL RETROACTIVE APPLICABILITY**

44 Sec. 179. RETROACTIVE APPLICABILITY. Unless
45 otherwise provided, this Act, if approved by
46 the governor on or after July 1, 2011, applies
47 retroactively to July 1, 2011.>

48 2. By renumbering as necessary.